https://archive.org/details/bk1249/page/n0/mode/1up

2017-04 -Tradition as Rupture -Caste Community and Colonial Courts (1249)

All Items on https://archive.org/details/realpatidar

ION AS RUPTURE: CASTE, COMMUNITY AND THE COLONIAL COURTS – FORGING RELIGIOUS IDENTITY IN THE 1866 KHOJA CASE

tidar.com

A thesis by

Full Library on https://realpatidar.com/library

Rizwan Mawani

presented to

The Faculty of the

Graduate Theological Union

in partial fulfillment of the

requirements for the degree of

Master of Arts

Berkeley, California

April 2017

Committee Signatures

_____

Dr. Munir Jiwa, Coordinator Date

_____

realpatidar.com

Dr. Judith Berling, Member Date

https://archive.org/details/bk1249/page/n1/mode/1up

Real Patidar Library

https://www.realpatidar.com/library

This book/literature/article/material may be used for research, teaching, and private study purposes. Any substantial or systematic reproduction, redistribution, reselling, loan, sub-licensing, systematic supply, or distribution in any form to anyone is expressly forbidden.

The library does not give any warranty express or implied or make any representation that the contents will be complete or accurate or up to date. The library shall not be liable for any loss, actions, claims, proceedings, demand, or costs or damages whatsoever or howsoever caused arising directly or indirectly in connection with or arising out of the use of this material.

Full terms and conditions of use: http://www.realpatidar.com

About Real Patidar books

Real Patidar's mission is to organize the information on Satpanth religion, which is a Nizari Ismaili sect of Shia branch of Islam, and to make it universally accessible and useful. Real Patidar Books helps readers discover the material on Satpanth online while helping authors and researchers in their studies. You can know more by visiting http://www.realpatidar.com

You can resize and move this box in any PDF Application like Adobe Acrobat Reader.

No specific pages. See whole book.
References by: RealPatidar.com

https://archive.org/details/bk1249/page/n2/mode/1up

TRADITION AS RUPTURE: CASTE, COMMUNITY AND THE COLONIAL COURTS – FORGING RELIGIOUS IDENTITY IN THE 1866 KHOJA CASE

realpatidar.com

A thesis by

Rizwan Mawani

presented to

The Faculty of the

Graduate Theological Union

in partial fulfillment of the

requirements for the degree of

Master of Arts

Berkeley, California

April 2017

Committee Signatures

_____

Dr. Munir Jiwa, Coordinator Date

_____

realpatidar.com

Dr. Judith Berling, Member Date

https://archive.org/details/bk1249/page/n3/mode/1up

Acknowledgements

realpatidar.com

I would first and foremost like to thank my thesis advisor, Dr. Munir Jiwa, Director of the Center for Islamic Studies at the Graduate Theological Union, for his unwavering support and invaluable feedback, throughout the entire MA process. He guided me through a complex but important area in the field of Islamic Studies, confidently steering me in the right direction whenever I needed it.

I would also like to also thank Dr. Judith Berling, the second reader on my thesis committee. Even in her retirement, she always made the time to ask probing questions and demanded a precision from me that significantly sharpened and improved the work.

Without their passionate participation, confidence and input, this work would have been all the poorer. I am indebted to both of them for their valuable comments. Any errors, of course, remain my own.

Finally, this thesis would not have seen fruition without the constant support, patience and sacrifices made by my wife, Yashina Jiwa. This accomplishment would not have been possible without her.

To all of you, I wish to express my profound gratitude. Thank you.

realpatidar.com

https://archive.org/details/bk1249/page/n4/mode/1up

Contents

realpatidar.com

Chapter 1: Setting the Scene 1
Introduction 1
The Khojas and the Judicial Archive 2
Aga Khan I, the British and the Khoja Caste 5
Methodology 11
Primary Source Material 19
The Bombay Newspaper Scene 19
The Colonial English Language Archive 21
Chapter 2: Classifying the Khojas 25
The Court Cases 32
Constituting Religious Identity 41
Chapter 3: Formulating a Historical Narrative 44
Chapter 4: Interrogating Tradition 59
Islam as a Discursive Tradition 70
Chapter 5: New Traditions, New Identities 81
The Construction of Khoja Identity in the Aftermath of the Khoja Case 86
Increased Prominence and Social Status of Aga Khan I 86
Internecine Conflict: Development of a Khoja Reform Movement in Karachi 89
The Khoja Commission and Intestate Succession 95
Social Ostracization and Excommunication 95
Conclusion 98
Future Research 106
Haji Bibi Case 107
The Development of Khoja Religious Space 109
Further Research in the English Language Newspaper Archive 111
Bibliography 112

realpatidar.com

https://archive.org/details/bk1249/page/n5/mode/1up

Chapter 1: Setting the Scene

realpatidar.com

> Although their language is Cutchi, and by religion Mahomedan, in their appearance and manners [the Khoja] appears to be Hindu.
> —Chief Justice Sir Erskine Perry, Bombay 1847[1]

> Although a Khoja and his wife are married according to Mahomedan rites, yet at the time of his death, so far as regards the succession of his property, he is Hindu.
> Justice Russell, Zanzibar 1903[2]

Introduction

In April 1866, a relatively minor group within the Bombay Presidency once again garnered the attention of the public eye. Known simply as the Khojas, the collective had remained relatively obscure to their colonial overseers until a succession of internecine conflicts sparked a series of intrigues, disputes and even murders. Ultimately, these devolved into a series of court cases, which attempted to define a bounded community and designate to it, a religious identity under a rubric that was palatable to the British.

This thesis will explore the ways in which the 1866 court case and the testimonies and speeches of the various parties and their counsel attempted to situate Khoja identity for the court. It will further investigate the ways in which the arguments in the course of the trial were anchored in Khoja experiences of their past, as well as understandings of the Khoja present as ways of calling upon tradition as a form of collective and communal intelligence. Three sites of inquiry are brought to bear on

[1] "Judgment of the Hon'ble Sir E. Perry, Kt. Delivered 11th October 1847," *The Bombay Times and Journal of Commerce* (Bombay, October 13, 1847).
[2] Sir William Murison, *In the High Court of Judicature, Bombay. Appeal No. 54 of 1904. On Appeal from H. B. M Court for Zanzibar. Civil Case No. 336 of 1903. Before Mr. Justice Russell and Mr. Justice Chandavarkar*, 1 (1919).

realpatidar.com

https://archive.org/details/bk1249/page/n6/mode/1up

realpatidar.com

several questions: What is the role of the past in determining a group's collective identity? What is the relationship between tradition and community? How is identity determined? These concepts: tradition, the past and community are explored through the discourses of a number of interlinked concepts that appear in the course of 19th century Khoja social history. These are primarily drawn from the transcripts and reports of the 1866 case preserved in the newspaper archives. They include: a) history and authority; b) religious practice and its value in determining a group's beliefs; and c) religious institutions as sites attached to religious identities.

The Khojas and the Judicial Archive

Before 1809, the Khojas, a loosely organized "caste" appeared in the records of the British as Hindus.[3] However, by 1847, a case tried in Bombay's highest court to determine the personal law of the community, located their inheritance practices in line with Hindu custom, while at the same time, noting that their religious rites and markers of self-definition aligned them with an identity more closely commensurate with being Muslim.[4] In 1850, another suit known as the "Great Khoja Case," presided over by Sir Erskine Perry, further catapulted the Khojas out of obscurity and into the public

[3] "Law Intelligence: High Court. Equity Side (Before the Hon. Sir Joseph Arnould). The Khojah Case," *The Times of India* (Bombay, June 14, 1866), 3. Some time was spent in the 1866 Khoja Case debating whether the Khojas were a caste or tribe as part of the attempts by the British to classify them. A tribe seems to be most often associated with Muslim groups while a caste was applied primarily to Hindu groups. "Saturday April 21, 1866," *The Times of India* (Bombay, April 21, 1866). Before the case and for some time after this, the newspapers defined the Khojas as a caste. Even Khoja documents such as the various "Rules and Regulations" documents that governed the administrative structures that oversaw Khoja bureaucracy in the early 20th century, preferred to use the category of caste over others such as community or tribe. The term persisted and found expression in terms like *jamatkhana* which were defined in those texts as the "caste house." See for example, *Rules of the Shia Imami Ismailia Councils of the Continent of Africa*, Revised Ed. (Zanzibar: Varas Mohamedbhai Remtula Hemani President of The Shia Imami Ismailia Supreme Council of Zanzibar, 1925).

[4] Erskine Perry, *Cases Illustrative of Oriental Life and the Application of English Law to India, Decided in H. M. Supreme Court at Bombay* (London: S. Sweet, 1853), 110–129.

realpatidar.com

https://archive.org/details/bk1249/page/n7/mode/1up

limelight as details of the proceedings and the decision were published in the recently introduced English-language daily *Bombay Times and Journal of Commerce*, one of the precursors to the *Times of India.*[5] For the next decade and a half, the Khojas appeared regularly in the Bombay dailies, establishing themselves in the city and becoming part of the fabric of urban life. Originally from Kutch and Sindh, regions in Western India under the jurisdictions of local hereditary chiefs or vassals before the entrance of the British, the Khojas' integration into Bombay was surrounded by fanfare and circumstance. For the glue which once held the collective together began to deteriorate in the cosmopolitan meeting ground that was Bombay, losing its adhesive quality and ultimately cleaving it. At stake was the identity of the Khojas, until now no more than a lived reality, viscerally felt through the practice of their everyday lives. I enacted not in words or concepts but through their language, institutions, dress, customs and religious observances. Khoja identity, however, was soon to become an indispensable but contentious add-on, a label contested through the markers and categories of others who wished to make sense of this elusive group.

realpatidar.com

The British, recently establishing dominion in India as a colonial polity took it upon themselves to manage and regulate matters which touched upon property and peace, understanding these as constituents of the "public" and therefore under their jurisdiction.[6] As conflicts amongst the Khojas flared, initially around complex questions

[5] "Supreme Court Equity Side: Judgement of the Court in the Khoja Case," *Bombay Times and Journal of Commerce.*, October 11, 1851.

[6] Amrita Shodhan, "The Entanglement of the Ginans in Khoja Governance," in *Ginans, Texts and Contexts: Essays on Ismaili Hymns from South Asia in Honour of Zawahir Moir*, ed. Francoise Mallison and Tazim R. Kassam, Revised Ed. (Delhi: Primus Books, 2010), 169.

realpatidar.com

https://archive.org/details/bk1249/page/n8/mode/1up

realpatidar.com

of inheritance and upholding custom, the matters were brought to the colonial courts for their adjudication.[7] Later cases were even more intricate and involved questions of the rights and responsibilities of caste leadership, particularly around a line of hereditary claimants. What ensued were not peaceful negotiations but serious disputes that ultimately deteriorated into senseless acts of violence. The cases which enveloped these disputes, were reported in colonial organs, such as the English-language newspapers.[8] They become a way in which the specifics of community practices, until this point protectively guarded from the public eye, unraveled for the court as well as to the city's curiosity-piqued readership: aspirant English-speaking "natives" and a growing British populace who had made India their home. Through glimpses and flashes in the columns of the newspapers, the Khojas' exotic character and manners were amplified, feeding an insatiable British appetite. At the same time, the Khojas were rescued, through the reports and proceedings, from the shadows and ravages of myth onto the textured surface of the historical record. In doing so, each of those invested in the

[7] The most comprehensive study of these to date can be found in the enlightening MA thesis, Carissa Hickling, "Disinheriting Daughters: Applying Hindu Laws of Inheritance to the Khoja Muslim Community in Western India" (University of Manitoba, 1998). The reason they were brought to the courts at this stage provides an interesting reflection. Was the authority of the Jamat being questioned in the new urbanized environment? Was the Aga Khan utilizing the influence on his followers to reclaim power from the Jamat? Was there an increasing feminist consciousness rising in the community? What we do know is that this single act likely set in motion a third node of power in the community in which the courts now enmeshed themselves within the relationship between the Khojas and the Aga Khan.

[8] In addition to the major cases of 1847, 1850 and 1866, another case often known as the "Haji Bibi Case" of 1908 also further consolidated the identity of the community and its particular relationship to spiritual and temporal authority. "Judgment of the Hon'ble Sir E. Perry, Kt. Delivered 11th October 1847"; "Bombay. Musulman Fanaticism," *Allen's Indian Mail and Register of Intelligence for British and Foreign India, China and All Parts of the East* IX, no. Jan-Dec (1850): 14; E. I. Howard, *The Shia School of Islam and Its Branches, Especially That of the Imamee-Ismailies: A Speech Delivered By E. I. Howard, Esquire, Barrister-at-Law in the Bombay High Court in June, 1866* (Bombay: Oriental Press, 1866); J. Russell, *Haji Bibi vs H.H. Sir Sultan Mahomed Shah* 1–63 (1908); "Supreme Court Equity Side: Judgement of the Court in the Khoja Case."

realpatidar.com

https://archive.org/details/bk1249/page/n9/mode/1up

outcome used the theatricality of the court as their personal stage to propose different categories by which to present themselves, their motivations and histories.

realpatidar.com

Aga Khan I, the British and the Khoja Caste

The entrance of the British into India also coincided with the arrival of Muhammad Hussein Husseini, more commonly known as Aga Khan Mahalati, Aga Hasanali Shah or simply the Aga Khan (d. 1881).[9] Of Persian heritage, the first Aga Khan arrived in Bombay in 1845 under politically charged circumstances, and claimed to be the Pir or Murshid of the Khojas.[10] In that capacity, he argued, he was entitled to the range of communal tributes and had sole jurisdiction in the management of the community's affairs, including excommunication from the caste.[11] A small group within the larger Khoja collective, commonly known as *settia*s, challenged the Aga Khan's

[9] In this thesis, I have chosen to use the Aga Khan or Aga Khan I to refer to the Nizari Ismaili Imam despite the various ways he appears in the sources. Later Aga Khans are referred to by their sequence after him, for example, Aga Khan II.

[10] "Letter of Aga Khan to the Khoja Community", c. 1846 and "Statement of Aga Khan in the 1850 Khoja Case." Quoted in the 1866 Khoja Case and referenced in "Law Intelligence: High Court. Original Jurisdiction (Before Sir Joseph Arnould). The Kojah Case," *The Times of India* (Bombay, April 24, 1866), 3. The use of the vocabulary more aligned with Sufi *tariqas* is an interesting one and the Aga Khan's involvement with Sufi *tariqa*s in Persia, especially the Nimatullahis has been studied. See for example, Peter Lamborn Wilson, "Ismailis and Nimatullahis," *Studia Islamica* 41 (1975): 113–136; Nile Green, "A Persian Sufi in British India: The Travels of Mirza Safi Hasan Safi Ali Shah (1251/1835-1316/1899)," *Iran: Journal of Persian Studies* 42 (2004): 201–218; Nile Green, *Bombay Islam*, 2011. As the vocabulary around Muslim leadership of the Khojas was being established and consolidated, a number of terms were in currency to describe the various forms of authority and the incumbents who occupied them in the understanding of the past as understood by the Khojas, colonial officials and the Aga Khan. Why this language and these categories of authority persisted is a question that needs further exploration. Even to this day, the language of Sufism is utilized by Aga Khan IV, the current Imam of the community, as well as Ismaili Muslims of all backgrounds including the Khojas. The most prominent of which are words such as *murshid* and *murid*. For more information on the Aga Khan's flight from Persia to Iran and his time in Sindh and Afghanistan *en route* to India, see Mihir Bose, *The Aga Khans* (Kingswood: World's Work, 1984); Hamid Algar, "The Revolt of Aga Khan Mahallati and the Transference of the Ismaili Imamat to India," *Studia Islamica* 29 (1969): 55–82.

[11] It is unclear whether the offerings made to the Aga Khan were in fact mandatory or given out of a feeling of devotion and responsibility. Over the course of the period in question, it seems that the nature of tributes became contested and what was once mandatory may have become thought of as voluntary.

realpatidar.com

https://archive.org/details/bk1249/page/n10/mode/1up

impositions, preferring to continue their own customary form of decision making and dispute-resolution resident in the powers of a *justi*, or council of the adult male members of the Khojas, known as the *Jamat*.[12] The *settia*s who were a more affluent and socially mobile element of the mercantile community had relationships with *settia*s of other communities.[13] Collectively this created a mercantile elite and gave the various castes and groups visibility and prominence in the eyes of the British establishment. For the remaining Khojas, the *settia*s provided the conduit by which they were exposed to the modern and enlightened ideas of the ruling classes while simultaneously embodying the prestige and responsibility needed to look after the caste's affairs. The Khoja *settia*s were esteemed and respected by their caste brethren and had become used to the privilege and authority they had acquired in both matters of religion and business.

realpatidar.com

However, this autonomy in caste affairs, which had been encroached upon by the Aga Khan, further emboldened the *settia*s' claims that they had no substantial relationship to the Persian *sayyid*. The Aga Khan was, as he admitted, a Shi'a Muslim and the Khojas, according to the *settia*s, prescribed to Islam's Sunni interpretation.[14] In doing so, they distanced themselves from the Ismaili Imam and the spheres and provinces of his authority. Most Khojas, however, felt otherwise. They believed there was an allegiance owed to the Aga Khan, based on a customary relationship of fealty the

[12] "Supreme Court Equity Side: Judgement of the Court in the Khoja Case."
[13] Christine E. Dobbin, *Urban Leadership in Western India: Politics and Communities in Bombay City* (Oxford: Oxford University Press, 1972); Chhaya Goswami, *Globalization Before Its Time: The Gujarati Merchants from Kachchh* (Gurgaon, India: Penguin, 2016).
[14] "Saturday April 21, 1866," 2.

realpatidar.com

https://archive.org/details/bk1249/page/n11/mode/1up

Khojas had with his ancestors.[15] In their understanding, the Aga Khan's claim to

realpatidar.com

authority over them was legitimate, suggesting that by virtue of this relationship, they too were Shi'a Muslims.

The question of Khoja identity in mid-19th century Bombay was one of complexity. The Khojas, until this point, had marked their religious beliefs with a label of relative ambiguity. While there was clarity on religious practices, and relative clarity on belief and doctrine, the Khojas were not able to easily insert their faith into the demarcated categories of the colonial state – Hindu and Muslim – nor the historical divisions of Islam put forth by the Aga Khan – Shi'a and Sunni. What the Khojas did know was that they followed a religious system known as Satpanth, *the true* path, founded by a holy man they referred to as Pir Sadr al-Din (d. circa end of the 14th century).wed

What became evident in mid-century Bombay through a series of prolonged court cases, was the lack of clarity around how Satpanth, an ideology that emerged and developed within the rural and semi-urban milieus of Sindh and Kutch some four hundred years earlier, mapped onto the categories of Hindu, Muslim, Shi'a and Sunni. Also disputed was whether Pir Sadr al-Din himself was acting alone and therefore complicit in founding an independent religious tradition or whether he was operating on

[15] See for example, the narrative of the *Pir Pandiyat-i Jawanmardi*, *Counsels of Chivalry,* the textual Pir sent to the Khojas by the Aga Khan's ancestor after the authority of their living Pir, Taj al-Din (d. circa end of the 15th century) was contested and killed. Virani, *The Ismailis in the Middle Ages: A History of Survival, A Search for Salvation* (Oxford: Oxford University Press, 2007), 122–135; Azim Nanji, *The Nizari Ismaili Tradition in the Indo-Pakistan Subcontinent* (Delmar, NY: Caravan Books, 1978), 27, 81–82; Farhad Daftary, *The Isma'ilis: Their History and Doctrines* (Cambridge: Cambridge University Press, 1990), 480; W. Ivanow, ed., *Pandiyat-I Jawanmardi* (Leiden: Ismailia Association, 1953). In more recent history, the episode of the Aga Khan's maternal grandmother also asking the Khojas to pay their arrears to the Aga Khan in Persia in 1829. Howard, *The Shia School of Islam and Its Branches, Especially That of the Imamee-Ismailies: A Speech Delivered By E. I. Howard, Esquire, Barrister-at-Law in the Bombay High Court in June, 1866*, 71; *The Sunni Khojas: An Account of the The Khoja Sunnat Jamat* (Bombay, 1969), 2.

realpatidar.com

https://archive.org/details/bk1249/page/n12/mode/1up

behalf of, or in the service of, the Aga Khan's ancestors. Not questioned was Pir Sadr al-

realpatidar.com

Din's identity as a Muslim, and therefore Satpanth's relationship with Islam.[16] What was interrogated were how elements of Hinduism, both customary practice as well as religious ideas, seeped into or blended with their Muslim counterparts in the making of Khoja selfhood.

The court's interest in these matters were not only precipitated by curiosity. The answers to these questions could also help determine the relationship of Pir Sadr al-Din to the Aga Khan, if any, and whether that relationship was one of bloodline or religious ideology. In early testimonies, Pir Sadr al-Din was considered the Aga Khan's ancestor and forbearer. In other instances, he was considered a respected *sayyid*. The Ismaili Imam referred to himself as a Pir in other occasions, adding to the confusion.[17] Since the Aga Khan had become invested in the religious and social lives of the Khojas, it was imperative that his role and relationship with them be clarified.

A small group within the Khojas, which became known in Gujarati, the commercial language of the caste, as the Barbhai or Twelve Brothers, aimed to "reform"

[16] In some sources, including certain *ginan*s, Pir Sadr al-Din is referred to as Sahadev or Sahadev Joshi. This seems to be accepted by the Khojas as a possible Indianized name for the Pir that may have been more easily digested by Hindu populations. See for example, Dominique-Sila Khan, *Conversions and Shifting Identities: Ramdev Pir and the Ismailis in Rajasthan* (Jaipur: Manohar, 1997), 48–49. In other cases, Sahadev was seen as a disciple of Sadr al-Din. Khoja Khaki, *Gupt Panth Kā Shajara* (Bombay, n.d.); Zawahir Moir, "Historical and Religious Debates Amongst Indian Ismailis 1840-1920," in *The Banyan Tree: Essays on Early Literature in Indo-Aryan Languages. Proceedings of the Seventh International Conference on Early Literature in New Indo-Aryan Languages*, ed. Mariola Offredi (New Delhi: Manohar, 2000), 131–153.

[17] "The Khojah Case," *The Times of India* (Bombay, April 21, 1866); "Law Intelligence: High Court. Original Jurisdiction (Before Sir Joseph Arnould). The Kojah Case," *The Times of India* (Bombay, April 25, 1866); "Law Intelligence: High Court. Equity Side (Before the Hon. Sir Joseph Arnould). The Khojah Case," *The Times of India* (Bombay, June 11, 1866); "Supreme Court Equity Side: Judgement of the Court in the Khoja Case."

realpatidar.com

https://archive.org/details/bk1249/page/n13/mode/1up

or rescue Khoja tradition from the hands of the Aga Khan.[18] The Barbhai charged the

realpatidar.com

Ismaili Imam with introducing a series of novel practices into the life of the Khojas and effectively removing the agency of decision-making from the caste and the *jamat*, its governing body. In doing so, asserted the Barbhai, the Aga Khan was imposing a particular identity upon the Khojas which was contrary to their own understanding of their faith.[19] For the Aga Khan claimed that Satpanth was in fact a manifestation of Shi'a Ismailism which had been collectively forgotten or obfuscated from the Khojas through the ruins of culture and sediments of time.[20]

In 1866, things came to a head. After a number of public disputes and clashes between the Barbhai and the supporters of the Aga Khan, the former's intent to sue the latter for meddling in their affairs, saw fruition. The trial, known as the Great Khoja Case, the Khoja Equity Suit and the Aga Khan Case in various sources, straddled the summer recess of 1866 and unfolded not only in the courts but also in the pages of the *Times of India* through a near daily play-by-play. The papers included detailed testimonies from the case which was heard in April and June 1866 along with verbatim speeches and questions from the lawyers, all replete with the judge's prodding. This sat alongside commentary and observations from the courtroom reporters. Still extant, the

[18] *The Sunni Khojas: An Account of the The Khoja Sunnat Jamat*; *A Voice from India. Being An Appeal to the British Legislature By Khojahs of Bombay Against The Usurped and Oppressive Domination of Hussain Hussanee Commonly Called and Known as "Aga Khan" Now Resident in London* (London: Waterlow and Sons, 1864).

[19] *The Sunni Khojas: An Account of the The Khoja Sunnat Jamat*.

[20] The Ismailis are a global community of Shi'a Muslims who give their allegiance to the Aga Khan. The Khoja Ismailis are but one grouping of Ismailis that also includes more than two million others whose origins lie in places as distributed as Syria, Iran, Tajikistan, Western China, Northern Pakistan, Eastern and Central Africa and Afghanistan.

realpatidar.com

https://archive.org/details/bk1249/page/n14/mode/1up

newspapers, allow for a deeper insight into the intricacies of a mid-19th century community with its religious practices and rituals including the attempts of both a colonial court and a claimant to its leadership to define their identity alongside its very own practitioners.

realpatidar.com

While the case began as an equity suit, pivoting around the ownership and management of Khoja properties in Bombay, it quickly transformed into a narrative puzzle in which a community's identity, rather than the community's governance and assets, was on trial. By that point, all those involved in the case – lawyers, defendants, plaintiffs, witnesses and the judge – were involved in a single mission: to determine the religion of the Khojas. To that end, each of the parties attempted to read the past to determine its value in calculating the present, and unwittingly plot its future.

The plaintiffs and defendants, in turn, attached themselves to particular episodes of the past, reading them in a way in which they linked to present practices. This association with a particular trajectory of history, meant that each party – the Aga Khan and the Khojas loyal to him, the Khoja "reformers," and the colonial apparatus, drew upon different understandings of the past, some which pre-dated a self-consciousness that might have more easily aligned with the categories set forth by the British in understanding the peoples they governed. As the community began to urbanize and the port-city of Bombay began to accommodate other mercantile groups from Gujarat such as the Memons and Bohras, they too became subject to colonial scrutiny if they didn't

realpatidar.com

https://archive.org/details/bk1249/page/n15/mode/1up

squarely fall within the categories of "Muslim" or "Hindu", let alone Shi'a or Sunni, that were becoming fixed in the colonial mindset and increasingly difficult to unhinge.[21]

realpatidar.com

While the plaintiffs and defendants each drew upon their own understandings of the past in the Khoja Case, each hoped they would find harmony with their present while also delegitimizing their opponent's reading of that same past. What emerges from this exercise are overlapping notions of tradition which eventually diverge in meaningful ways beginning in the 19th century. As each party discloses its own relationship with time, the body, religious practice and sites of devotion, their experiences reveal continuities as well as ruptures with those of their interlocutors. How the past is constituted, understood and negotiated to justify the present is the subject of this thesis, as negotiated through the theatre of 19th century British Indian colonial courts in a three-part entanglement by which the defendant and his party, the plaintiffs and the lawyers and judges wrestle to determine the fate and identity of a community.

Methodology

To better understand the 1866 court case, and the social milieu in which the Khojas, the Aga Khan and the British judiciary establishment found themselves, I have engaged in close readings and conducted a content analysis of the Bombay newspaper archive of the mid-19th century. Since newspapers seem to have been the primary vehicle by which the court cases were made available to the public before they were formally published as legal proceedings, court reporters meticulously published near-

[21] "Judgment of the Hon'ble Sir E. Perry, Kt. Delivered 11th October 1847"; Asgharali Engineer, *Bohras and Their Struggle for Reforms* (Bombay: Institute of Islamic Studies, 1986), 66, accessed February 16, 2017, http://drasgharaliengineer.csss-isla.com/wp-content/uploads/2017/02/BOHRAS-AND-THEIR-STRUGGLE-FOR-REFORMS.pdf.

realpatidar.com

https://archive.org/details/bk1249/page/n16/mode/1up

transcript like accounts of certain cases which were of interest to the public. The 1866 Khoja Case was one such trial. I was able, therefore, to treat the newspapers in which the case appeared as a primary source and an important historical record in disentangling the case.

realpatidar.com

The newspapers, in publishing the court record this way, allowed the reader on a day-by-day basis to peer into the workings of the court and to better understand the intricacies and complexities of the trial. Preserved on the newspapers' pages were also the various testimonies and witness statements of those involved in the case, many of them Khojas. I was able to read these verbatim records in ways that allowed me to explore the multiplicity of voices that contributed to, and had a stake in, Khoja tradition. In reading the testimonies in chronological order and alongside each other, I was able to compare them in ways that further demonstrated the consonances and discrepancies amongst them. I was also able to analyze the statements in the context of the histories and practices that were being spoken about and used those to interrogate the concept of tradition.

I surrounded the analysis of the court records and transcripts, which meticulously appear in the English language papers, with further readings of the contemporary colonial print archive in which the Khojas appeared alongside newspapers which bookended the case. In doing so, I was able to better understanding the social and historical context in which Khoja tradition unfolded and was debated and immerse myself into the world in which they belonged.

realpatidar.com

https://archive.org/details/bk1249/page/n17/mode/1up

Most studies that have analyzed the Khoja Case and its aftermath have been based on two artifacts which form part of the colonial published archive. The first of these is a speech by the defense lawyer, Edward Irving Howard, who acted as counsel for the Aga Khan, the Persian *sayyid* and claimant to the Ismaili Imamat, who argued for spiritual guardianship and authority over the Khojas, and his supporters. The speech, which spanned one hundred printed pages, was edited slightly from the original version that appeared in the newspapers in June of that year.[22] Howard used the opportunity to summarize the local history of the Khojas, after their settlement in Bombay, as it had been presented by the plaintiffs as well as a methodical history of the Aga Khan's lineage. Howard asserted, on behalf of the Aga Khan, that the Khojas were in fact Ismailis, but that their religion had been obfuscated from them because of the Ismaili practice of pious dissimulation or *taqiyya* which was exercised in order to prevent persecution.[23]

realpatidar.com

The other source is the judgement by Bombay's Chief Justice, Sir Joseph Arnould (d. 1866), who provided the case's verdict in November of 1866. The erudite judgement weighs in upon the various articles and accusations made by the plaintiffs, or realtors as they are known in an equity case, and lays out the logic and rationale by which they were rejected, one by one. It reiterates, in multiple ways, the British colonial project

[22] "The Judgment in the Great Khojah Case," *The Times of India* (Bombay, November 26, 1866).
[23] Howard, *The Shia School of Islam and Its Branches, Especially That of the Imamee-Ismailies: A Speech Delivered By E. I. Howard, Esquire, Barrister-at-Law in the Bombay High Court in June, 1866*.

realpatidar.com

https://archive.org/details/bk1249/page/n18/mode/1up

with regards to religion and sets in motion a new destiny, as well as a new history, for the Khojas for which the Aga Khan's authority reigned supreme.[24]

realpatidar.com

While both sources provide important windows into the case, they are only fragments of a much bigger picture. Without them, we would not have the detailed materials that we have today. While they provide two essential components of the trial, ultimately, they are both voices of a colonial establishment who ultimately sided with the Aga Khan. They are, however, testaments to the ways and processes by which Ismaili history was overlaid upon Khoja self-understanding and the court's role in that process. For despite the narratives put forth by the various parties, it was ultimately the court that exercised its legal rights to determine Khoja tradition. Its ruling had far-reaching implications, forever changing the way in which Khojas were understood, both by others and themselves.

What remains largely ignored in this case are the voices of Khojas themselves who lived through the early and middle decades of the 19th century. Almost every word of their testimony survives, alongside others whom they associated with in this period, made alive through the court's transcripts. These words survive not in an archival vault but upon the published broadsheets of the era's colonial newspapers.

My first exposure to the world of mid-19th century Khoja voices was in reading James Masselos' short but influential article on the Khojas of this period more than

[24] Joseph Arnould, *Judgment by The Hon'ble Sir Joseph Arnould in the Kojah Case Otherwise Known as The Aga Khan Case Heard in the High Court of Bombay During April and June 1866* (Bombay: Bombay Gazette Steam Press, 1866).

realpatidar.com

https://archive.org/details/bk1249/page/n19/mode/1up

twenty-five years ago.[25] Within it, I saw a richness and detail that I had not before seen on studies of the caste. In the many studies I had read, it was the narratives of the Aga Khans that were foregrounded. However, within these pages were preserved not only events from this period in which the Khojas featured, but also their words. As I perused its footnotes, I noted references to historical newspapers but had no way at that time of consulting or finding them. The archival storehouse in India was not something I was yet able to access. And yet, I wanted to rescue these voices and lift them off their seemingly silent pages.

realpatidar.com

Some years later, I discovered that the newspapers were available on microfilm from the Center for Research Libraries in Chicago. After making some inquiries, I was able to secure a number of these reels including those that coincided with the years leading up to the court case. I painstakingly went through the barely separated columns and fine print of the newspapers which left little in terms of demarcation of one article to the next. Despite the tedium of navigating these sources and manipulating them on the clunky machines that spooled one reel to another, I was enthralled by both the richness and rawness of the voices that spoke to me.

Unlike today's newspapers where the odd soundbite is inserted into a curated reading of an event by an article's author, the newspapers provided a verbatim record of the words and testimonies of the lawyers, judge and witnesses of the trial. This was interspersed by the court reporter's descriptions of some of the events of the court

[25] James C. Masselos, "The Khojas of Bombay: The Defining of Formal Membership Criteria During the Nineteenth Century," in *Caste and Social Stratification Among Muslims in India*, ed. Imtiaz Ahmad (Bombay: South Asia Books, 1978), 97–116.

realpatidar.com

https://archive.org/details/bk1249/page/n20/mode/1up

case, including having their own gallery moved further away from the action during the case's proceedings.[26] While as many Khojas seemed to have given testimonies in their native languages of Kutchi and Gujarati as in English, those who spoke in the former had their words translated through a court reporter. It was these translated words that were put on the page, but preserved within them was often the untranslatable: technical terms related to ritual actions, sentiments and relationships which also populated the Khoja universe. As a result, the readers of the time, were also made privy to the ways in which language inscribed their world. For readers today, it provides a window into the ways certain ideas and practices have both evolved and stayed the same.

realpatidar.com

Unlike the court judgement and the defense lawyer's speech, the voices of Khojas provided a different picture as to the state of affairs in 19th century Bombay. They pointed to moments of cacophony and syncopation as well as harmony. What they demonstrated with certainty was that the Khoja experience and interpretation of its past was not one that was orchestrated. Rather, it was a complex picture of competing realities.

The wordsmithed sentences of Judge Arnould and Edward Howard, on the other hand, recognized the messiness, but ascribed to it a note of disorder, disarray and unreliability. Their own statements, speaking with individual sounds, began to unwittingly silence the voices of the concert and instead privilege the baton of the person they asserted was its conductor, the Aga Khan, for future readers and interpreters of the case.

[26] "The Khoja Case," *The Times of India* (Bombay, June 10, 1866).

realpatidar.com

https://archive.org/details/bk1249/page/n21/mode/1up

I hoped in some ways to re-read the case with these additional materials, and if necessary, to rebalance and redress the situation, that had even until now significantly influenced the way in which the case was read in the current century. The newspapers, then, rather than being interpretive lenses by which the court was observed, became important primary sources by which the voices of Khojas were preserved. They balanced the colonial voices that were safeguarded in the burgeoning book industry of the time. For their sturdier covers and multiple copies equipped them with an ingrained ability to survive the halls of time and find their ways to multiple libraries and archives.

realpatidar.com

The newspapers also preserved the voices of the judicial apparatus as well as the Khojas involved in the case in context. They demonstrated the ways in which the voices spoke to, against and for each other which was completely divorced in the print publications. They also demonstrated the multiple registers of its speakers, and contrasted Khojas with one another as well as with their legal representatives. The messiness of the trial gave it a color and complexity which were absent in the univocal texts of the judicial establishment.

I also wished to situate these texts within the larger milieu of Khoja developments in Bombay. Other than the court cases and judicial archive, very little work had been published situating Khoja social life more broadly. I again turned to the newspapers to provide some of that narrative. Around the time when I began to do this, ProQuest had begun to digitize some of the British Indian newspapers archives. While large sections, including half-decades, were missing, it made looking at more significant arenas of time more manageable. What I realized, however, is unlike the newspaper

realpatidar.com

https://archive.org/details/bk1249/page/n22/mode/1up

articles which preserved the court cases, the other articles, while important, relied much more on the voice of the reporter rather than that of the Khoja. While Khoja voices were preserved, they were not as present in these newspaper articles. While the reporters of the time, much more so than today, seem to have been faithful chroniclers rather than simply readers and mediators of events, one could still find them inserted into their articles even if their names and authorship were almost always absent.

realpatidar.com

With the newspaper articles in hand, I wanted to also rebalance the disproportionate number of studies which were concerned with one particular set of texts in the trial, the *ginan*s. Many readers of the 1866 court case have focused on the ways in which the recitations and sung narratives of the Khoja played a role in mediating those elements which the court associated with Hinduism and Islam. While important, these studies suggest that the *ginan*s were the primary battleground in which the identity of the Khojas was played out. The *ginan*s were one of several other sites of contestation in the trial that tried to mediate between not two poles represented by the Subcontinent's largest religious communities, but also along the two communitarian poles of Shi'a and Sunni.

To better understand the sources that contributed to these debates from the perspective of the Khoja, I drew upon the works of two individuals whose work on tradition could be useful in helping to understand the nature and range of voices as well as the ways in which the past was being utilized to understand the present. Specifically, I draw upon Alasdair MacIntyre and Talal Asad as interlocutors to help me make sense of the ways in which tradition as a site of inquiry could shed light on the unfolding of the

realpatidar.com

https://archive.org/details/bk1249/page/n23/mode/1up

case. Until now, identity was the primary lens by which scholars viewed the case which

realpatidar.com

was commensurate with the ways the colonial apparatus also framed the case's proceedings. What I wanted to see was if there were other tools and methods by which to read the case, and in doing so, to privilege or at least place the multiplicity of voices on an equal footing, rather than buying completely into the power matrix of the colonial state.

Primary Source Material

The Bombay Newspaper Scene

To help us with the task at hand, I consulted a number of important primary source materials. Still extant, they provide us with unprecedented access to the court case and its proceedings. The first are reports in *The Times of India* from 1866 which are as close to transcripts as we can hope for.[27] These are interspersed with commentary from the reporters themselves and on occasion summaries of the more technical elements of the case, such as some of the lawyers' speeches which were reproduced and edited from their original versions in the newspapers.[28]

Surrounding these are the broader *Times of India* archive itself. Operating since 1861 when it adopted its current name, the paper initially began with its first edition on November 3, 1838 as *The Bombay Times and Journal of Commerce* and was printed on

[27] I was able to acquire these on microfilm from Chicago's Center for Research Libraries in 2009 long before ProQuest made their *Times of India* archive available via their online Historical Newspaper database. Even after their archive has been digitized and made available from the mid-19th century onwards, large sections including the period in which the 1866 Khoja Equity Case appeared remain unavailable through that resource.

[28] Howard, *The Shia School of Islam and Its Branches, Especially That of the Imamee-Ismailies: A Speech Delivered By E. I. Howard, Esquire, Barrister-at-Law in the Bombay High Court in June, 1866*.

realpatidar.com

https://archive.org/details/bk1249/page/n24/mode/1up

Wednesdays and Saturdays. It began a daily run in 1850 under the direction of

realpatidar.com

Maharashtrian reformer, Narayan Dinanath Velkar. In 1860, Velkar's Indian shares were purchased by Robert Knight (d. 1892), who took on the task of its editor. Merging the paper with its rival, The *Bombay Standard*, Knight began India's first news agency which became the Indian agent for Reuters. The following year he anointed his new paper *The Times of India* and championed for a press free of the business pressures, government interests and intimidations to lead it and its reputation to much acclaim in India and Europe. Already employing more than 800 people in the 19th century, *The Times* was able to better provide coverage of local news in India for an increasingly Anglophone (and Anglophile leaning) audience.[29]

A decade later, from 1871 to 1881, more than 300 articles on the Khojas or the Aga Khan appeared in the newspaper. The number had doubled to 750 in the following decade and from 1900 to 1909, upwards of 1000 articles were published on the community or its leaders.[30] As the Khojas rose to prominence and became inseparable from the warps and wefts of the fabric of Bombay, they were also embroiled in further internecine struggles. As the various factions vied for power, defamation and violence reared their heads in Bombay's Khoja neighborhoods as well as within the newspaper columns. The battle for tradition and the future destiny of the Khojas was fierce, and the

[29] Asima Ranjan. Parhi, *Indian English through Newspapers* (New Delhi: Concept Pub. Co, 2008); Edwin Hirschmann, *Robert Knight : Reforming Editor in Victorian India* (Oxford University Press, 2008); Kartar Lalvani, *The Making of India : The Untold Story of British Enterprise* (London: Bloomsbury Continuum, 2016).

[30] I was able to obtain these figures using ProQuest's Historical Newspapers database. I counted the articles in which these terms appeared for the period in question and subtracted articles that weren't of a substantive character or didn't leave an impression of some sort upon the reader.

realpatidar.com

https://archive.org/details/bk1249/page/n25/mode/1up

papers attempted to keep on top of the complexities of the community's politics, as well as their spectacular rise to prominence in the city and throughout the Empire.

realpatidar.com

The Colonial English Language Archive

The importance of the English-language colonial archive in studying the Khojas cannot be underestimated. While many scholars and researchers have turned to materials in Gujarati, Sindhi, Kutchi, Hindustani and other languages of the Subcontinent, a significant number of materials in English have been largely ignored. With recent attempts to move large sections of the newspaper archive from microfilm to web-accessible digital formats, access to the materials will become even easier. Altogether, over the 25 days of the case, tens of thousands of words preserved in small-print along the newspapers vertiginous columns allow us to look at each component of the complex case, including witness testimonies, their interactions with lawyers and the ways in which the colonial apparatus itself engaged with the foreign categories brought forth by the Khojas and European scholars of religion who proposed their own models of understanding religious history, practice and ideology. In effect, each group, drawing upon cognate and sometimes overlapping materials, proposed a new way of seeing the present and past through the prism of tradition.

In addition to newspaper archives, there are also summaries and reports of a series of smaller as well as more significant court cases which involved the Khojas.[31] On

[31] On intestate success and customary law of the Khojas, see "Judgment of the Hon'ble Sir E. Perry, Kt. Delivered 11th October 1847"; Hickling, "Disinheriting Daughters: Applying Hindu Laws of Inheritance to the Khoja Muslim Community in Western India." Other cases in Bombay include Russell, *Haji Bibi vs H.H. Sir Sultan Mahomed Shah*. Outside Bombay, in other regions of Khoja settlement such as Zanzibar, a large number of cases of a commercial, religious and civil nature are documented in sources such as Sir William

realpatidar.com

https://archive.org/details/bk1249/page/n26/mode/1up

the 19th century Khojas themselves, their religion and customs, there are several

realpatidar.com

important sources that shed light on the social and religious lives of Khojas in different regions of British India. Foremost amongst these are the district gazetteers: geographic indices, produced by the British Viceroy and researched and compiled for the purposes of the colonial state getting a better sense of their subjects.[32] Different from a census, the gazetteers were not only about documenting numbers and cataloguing populations, they also provided insight into the peoples that lived under British Indian rule. While they have come under scrutiny, if we acknowledge that they provide as much insight into the colonial mindset as they do into the peoples they attempted to catalogue, categorize and study, they remain invaluable resources. Despite these drawbacks and critiques, they are unparalleled in providing a sense of India's topography, its communities and the religious and social distribution of its people at a time of massive change.

Other contemporary writers and travelers also wrote about the Khojas during this period. One of the most substantive pieces of work is by the former Governor of Bombay and later High Commissioner for South Africa, Bartle Frere's (d. 1884) whose two-part erudite and reflective study of the Khojas was published in an 1876 edition of *Macmillan*'s *Magazine*. While he drew largely upon the 1866 Khoja Case for his source

Murison and S. S. Abrahams, *Zanzibar Protectorate Law Reports Containing Cases Determined in the British Consular Court and in the Supreme Court of His Highness the Sultan and in the Courts Subordinate Thereof. 1868 to 1918*, Volume 1. (London: Waterlow and Sons, 1919). For Karachi, see H. J. Lilley, *Jaffer Fuddoo Defamation Case Containing Counsel Addresses to Courts and the Connected History of the Assassins* (Karachi: The Sind Observer and Mercantile Steam Press, 1925).

[32] See for example James C. Campbell, *Gazetteer of the Bombay Presidency, Volume V: Cutch, Palanpur and Mahi Kantha* (Bombay, 1880).

realpatidar.com

https://archive.org/details/bk1249/page/n27/mode/1up

materials, there are also more personal insights and descriptions of the caste of value.[33]

realpatidar.com

Other works cataloguing communities and individuals of prominence also are indispensable.[34] A number of periodicals such as the *Parsee Punch* satirized the Khojas through cartoons and drawings. Despite lampooning the caste on occasion, they provide a visual record of Khoja involvement in Bombay and give us insight into the caste's workings and the ways the British extended their gaze upon them.[35]

From the Khojas themselves, there are a number of substantial works written by community members, many with reformist tendencies or who had by the time of their writing joined the Khoja minority groups which had begun to emerge.[36] In addition to these polemical works, also exist diaries and memoirs which have gone largely unnoticed. These include the voyage of the first Indian, and possibly even Muslim, to Australia. This serialized diary documented in *The Times of India* later found an audience as a discrete publication.[37]

Materials in English published later by community organs are also important, although they focus on and document slightly later periods of Khoja social history including a rich collection of photographs in the community's own magazines such as

[33] Bartle Frere, "The Khojas: The Disciples of the Old Man of the Mountain," *Macmillan's Magazine* 34 (1876): 342–350, 430–438.
[34] William Johnson, "Khojas," in *The Oriental Races and Tribes: Residents and Visitors of Bombay. A Series of Photographs with Letter-Press Inscriptions by William Johnson (Bombay Civil Service (Uncov.) Vol 1. Gujarat, Kutch and Kathiawar.* (London: W. J. Johnson, 1863), 97–99.
[35] See for example, the cartoon from 1884 on the Khoja Succession Bill published in Mushirul Hasan, *Wit and Wisdom: Pickings from the Parsee Punch* (New Delhi: Niyogi Books, 2012), 148.
[36] *A Voice from India. Being An Appeal to the British Legislature By Khojahs of Bombay Against The Usurped and Oppressive Domination of Hussain Hussanee Commonly Called and Known as "Aga Khan" Now Resident in London*; Karim Goolamali, *An Appeal (Containing "A Voice from India," "Northcote Memorial," etc. to Mr Ali Solomon Khan Son of H. H. The Agha Khan* (Karachi, n.d.); Karim Goolamali, *A. M. D. G. Quo Vadis, Pakistan* (Karachi: Karachi Job Press, 1954).
[37] Fazulbhoy Visram, *A Khoja's Tour in Australia* (Bombay: Times of India Steam Press, 1885).

realpatidar.com

https://archive.org/details/bk1249/page/n28/mode/1up

The Ismaili Bombay. Other materials, mentioned in the sources, remain extant. Also in this list are works such as the anonymous *Brocaded Sari* which illuminates Bombay social life in the guise of a novel brought alive through the eyes of a Khoja woman in the 1930s and 1940s.[38]

realpatidar.com

In the next chapter we will explore the ways in which the Khojas complicated the neat categories inherited by the British colonial worldview – Hindu, Muslim, Sunni and Shi'a and the ways in which these complications informed British governance.

[38] Ishvani, *The Brocaded Sari* (New York: John Day, 1946).

realpatidar.com

https://archive.org/details/bk1249/page/n29/mode/1up

Chapter 2: Classifying the Khojas

realpatidar.com

Of my two eyes, one is Shi'a and the other is Sunni.
Wajd Ali Shah, last Nawab of Awadh, India (r. 1847-1856)[39]

The Khojas are an enigmatic group who, until the mid-19th century, escaped the traditional boundaries and easy categories by which orientalist scholars and colonial overseers attempted to classify them. Attempts to identify this mysterious and fanciful group were grossly inconsistent and convoluted. Contrary to one another, travellers and researchers who encountered them were often at odds with how to make sense of the challenges they posed.[40] In the early 19th century, the Khojas were thought to be a Hindu or syncretic group.[41] Less than a decade later in 1818 when Captain McMurdo (d.

[39] Quoted in A. Halim Sharar, *Lucknow: The Last Phase of an Oriental Culture*, ed. E. S. Harcourt and F. Hussain (London: Oxford University Press, 1975), 74–75.

[40] This was not unique to the Khojas. In fact, India's castes and communities were often under British scrutiny for classifying them provided ways in in which to better govern them. The orientalist imagination often struggled with not having the neat corners and boxes that British society often provided. This led to further exoticization of the hundreds of peoples and groups that now came under their suzerainty. Amongst these were castes like the Memons who, while not in the limelight as often as the Khojas, found themselves under similar circumstances and therefore their practices adjudicated in the same way. See Erskine Perry, "Mahomedan Succession. Kojah's and Memon's Case," in *Cases Illustrative of Oriental Life and the Application of English Law to India, Decided in H. M. Supreme Court at Bombay* (London: S. Sweet, 1853), 110–129. Likewise, groups such as the Meo, whose ancestral homelands lay in Haryana and Rajasthan, outside of Western India proper, also found their identities as well as their social and religious practices under investigation, being compared with their Muslim co-religionists and Hindu co-inhabitants but found to be on the margins of both. Shail Mayaram, *Resisting Regimes: Myth, Memory and the Shaping of a Muslim Identity* (Oxford: Oxford University Press, 1997).

[41] In the play-by-play offered in the newspapers around the 1866 Khoja Case, the reporter wrote, "Statistics as to the Mahomedan population of Bombay were next produced by Mr. Howard," the lawyer for Aga Khan I and his party, "showing that up to 1809, the Khojahs were not recognized here as Mahomedans." "Law Intelligence: High Court. Equity Side (Before the Hon. Sir Joseph Arnould). The Khojah Case," 3. Unfortunately, no further information is provided and we do not know for certain what they were classified as. The assumption is that if they were not noted as a separate sub-caste under the broader category of "Mahomedan" as they had been in later censuses and government documents. What we do know is that the absence of the Khojas in the Bombay Muslim record could suggest an uncertainty or inability to classify them. As we hear later in the court proceedings, there are other documents which confirm Khoja presence in Bombay during this time.

realpatidar.com

https://archive.org/details/bk1249/page/n30/mode/1up

1820), the first British Political Resident in Kutch, read a paper before the Asiatic Society of Bombay he stated that the Khojas were "Mahomedans and considered themselves to be of Persian origin; and that they went on pilgrimage near Ispahan[42] to worship their living Saint, to whom they pay an annual tribute."[43] In 1821, an unattributed article entitled "Heterodox Mahomedans," describes the Khojas, without naming them, as a people that "have many singular customs, and adhere more to the notions of the Sheeahs than to those of the Sunies" but that "most of the other tribes hold them in abhorrence, in a very great degree; they even abuse them on every occasion and say that abuse or indignity offered to this race, has as much efficacy as a pilgrimage to Mecca."[44]

realpatidar.com

In 1847, during one of their first publicly reported engagements with the British Indian courts, Chief justice Sir Erskine Perry (d. 1882) noted of the Khojas, that "their language is Cutchi; their religion Mahomedan; their dress, appearance and manners, for

[42] This corresponds with the region of Esfahan in modern day Iran. It was not far from here, in Mahallat, where several Nizari Ismaili Imams headquartered themselves and lived in the 18th and 19th centuries and where some Khojas may have gone for pilgrimage or for the purposes of forwarding their tributes.

[43] The text is found in Captain James MacMurdo, "X. An Account of the Province of Cutch, and the Countries Lying Between Guzerat and the River Indus: With Cursory Remarks on the Inhabitants, Their History, Manners, and State of Society," *Transactions of the Literary Society of Bombay* II (1820): 205–241. The article based on a paper read at the Royal Asiatic Society on September 29th, 1818 draws upon his research on the land and peoples of Kutch. In this quotation and earlier in the article where he is noting the various constituents of Kutch's major cities, he recognizes the Khojas as Muslims. This quote is also reproduced as part of the 1866 Khoja Case in hopes of more clearly identifying their associations. "Law Intelligence: High Court. Equity Side (Before the Hon. Sir Joseph Arnould). The Khojah Case," 3. See also W Ivanow, "The Sect of Imam Shah in Gujarat," *Journal of the Bombay Branch of the Royal Asiatic Society New Series* 12 (1936): 19–70.

[44] While the group is unnamed, that the party in question are the Khojas from their social practices. In addition to noting their already expanding geographic spread: Kutch, the Makran coast, Northern Gujarat as well as Zanzibar and Bombay, the article describes a colony in Muttrah, Oman that corresponds to a mini-Portuguese enclave of residences known today as Sur Lawatia. "Heterodox Mahomedans," *Asiatic Journal and Monthly Register for British India and Its Dependencies* XII, no. 69 July to December (1821): 257.

realpatidar.com

https://archive.org/details/bk1249/page/n31/mode/1up

the most part Hindu."[45] He further acknowledged that "although they call themselves

realpatidar.com

Mussulmans, they evidently know but little of their Prophet and of the Koran…. To use the words of one of themselves, they call themselves Shias to a Shia, and Sunniys to a Sunniy, and they probably neither know nor care anything of the distinctive doctrines of either of these great divisions of the Musulman world."[46]

The Khojas were not an easy group to make sense of. Their identities, if not easy to affix upon the inherited categories of religion and its demarcations, seemingly oscillated, dependant on the investigative assertions of their observers. How, then, should identity be determined? What are its outward signs and visible markers? Do clothing and public rituals constitute the values and symbols sufficient to decide upon a suitable verdict? Or should the customs and habits of daily life, whether names, private rites, spaces of worship, social taboos and one's relationships with who one deems an insider or outsider, act as the pivot upon which judgement of one's identity is weighed? In the case of the Khojas, observers and cataloguers found grave dissonances between, outward forms on the one hand, and inward practices on the other; between parallel narratives presented through various testimonies; and amongst those acts enshrined within the discursive world of social texts and practices associated with the Khoja collective of Bombay and elsewhere. How, under these circumstances was one to

[45] Perry, "Mahomedan Succession. Kojah's and Memon's Case," 112. A slightly different version of this quotation, but not of consequence, is found in Perry's judgement found published in the newspaper. "Judgment of the Hon'ble Sir E. Perry, Kt. Delivered 11th October 1847," 820.

[46] Perry, "Mahomedan Succession. Kojah's and Memon's Case," 113–114. As above, a slightly different version is found in the newspaper where the judgement was initially published, but not one which impacts the gravity or thrust of the remarks. "Judgment of the Hon'ble Sir E. Perry, Kt. Delivered 11th October 1847," 820.

realpatidar.com

https://archive.org/details/bk1249/page/n32/mode/1up

determine the religious identity of a community or group? Furthermore, who was responsible for defining one's membership and the criteria associated with it?

realpatidar.com

As the Khojas began to urbanize and to acquire social prestige and wealth, the most itinerant travelled abroad in pursuit of mercantile opportunities while others risked the familiar to seek a better life across the dark ocean.[47] To reflect these changing rhythms and realities of Khoja life, the community's governance structures also began to change responding to the new situation and environment. These changes coincided with the arrival to Bombay of the Aga Khan, who began to effect changes in the community to which a minority but influential element took offense. This minority, albeit small, exercised great authority in the community and opposed the Aga Khan's reforms. Differing viewpoints within the group became so acerbic and embattled that they eventually had to be adjudicated by the British Indian court system through a series of landmark cases that spanned a period of six decades.

In a legal case known at the time as the Great Khoja Equity Suit, two groups of Khojas with different visions of a Khoja future (and present) based on disparate understandings of the community's past, faced each other. The parties were beholden to a team of ten lawyers and a judge who attempted to make sense of a complex collection of testimonies and texts.[48] Each of these were presented to the court, in turn,

[47] Visram, *A Khoja's Tour in Australia*; Cynthia Salvadori, *We Came in Dhows*, 3 volumes. (Nairobi: Paperchase, 1996). The Indic term "kala pani" was often used to describe the Indian Ocean. Many Hindus avoided crossings its waters because of the purity taboos associated with it, especially for women.

[48] In addition to orientalist histories, the names of several *ginan*s were mentioned by named. The first, which has garnered the most attention is a text known as the *Das Avatar* which places the first revealed Shi'a Imam, Ali b. Abi Talib, into the matrix of Hindu system of avatars. It situates him as the stainless tenth incarnation of the Hindu God Vishnu not in a time-to-come but in a time past as well as a time-present in the form of Ali's successors. The second major text is the Hindustani ethical work, *Mawla ka*

realpatidar.com

https://archive.org/details/bk1249/page/n33/mode/1up

to aid in making sense of the past, to afford clarity for the present and to help forge a way forward which was consistent with the customary practices of the community.[49] Along with the case and its immediate pre-history, this thesis aims to document and analyze the multiple, competing and tangled understandings of Khoja identity which the British Indian legal system attempted to unravel. The task before the case's judge, Sir Joseph Arnould, was to, once and for all, determine which of the prevailing narratives of Khoja selfhood and understanding carried with it the weight of truth and should persist in shaping the contours of the community's present and future. What arose from the testimonial pastiche was not the clarity that was intended, but rather a peculiar patchwork which, rather than freeing a community from the ravages of the past, acted as a noose enflaming old loyalties and sentiments.

realpatidar.com

In prescribing a neat, less jumbled, and singular definition by which to lasso the elusive group, the British Indian government hoped to rule more consistently, limit breaches of security and quell the escalating internecine conflicts that had emerged.[50] In ascribing the Khojas with a common identity intelligible to the various parties invested

Kalaam, which places the words, rather than the act of Ali's appearance in time, as the source for one's conduct and comport. Howard, *The Shia School of Islam and Its Branches, Especially That of the Imamee-Ismailies: A Speech Delivered By E. I. Howard, Esquire, Barrister-at-Law in the Bombay High Court in June, 1866*; T Purohit, "Reading Global Islam Through Messianic Renewal In Dasavatar," *Sikh Formations* 3, no. 2 (2007): 151–167; Teena Purohit, *The Aga Khan Case: Religion and Identity in Colonial India* (Cambridge, MA: Harvard University Press, 2012); Shodhan, "The Entanglement of the Ginans in Khoja Governance."

[49] This is the name that first appears in the newspapers of the period. Over time, the case takes on other names including the Aga Khan Case, the Great Khoja Case and the Khoja Case. The first of these titles is now enshrined in the most recent study of the trial: Purohit, *The Aga Khan Case: Religion and Identity in Colonial India*.

[50] *The Sunni Khojas: An Account of the The Khoja Sunnat Jamat*; Moir, "Historical and Religious Debates Amongst Indian Ismailis 1840-1920"; Howard, *The Shia School of Islam and Its Branches, Especially That of the Imamee-Ismailies: A Speech Delivered By E. I. Howard, Esquire, Barrister-at-Law in the Bombay High Court in June, 1866*.

realpatidar.com

https://archive.org/details/bk1249/page/n34/mode/1up

in the debate, the court could determine how best and under whose authority – the Aga Khan's or the Khoja Jamat's, its council of respectable men – the Khojas should be governed.

realpatidar.com

Each of the parties involved in the case hoped to demonstrate that in their own reading of the past could be found the key to unlocking the community's present. This including its relationship to an identity, a faith and allegiance or lack of allegiance to an authority. What emerged from each of the parties was a discursively negotiated tradition, an inheritance which they understood to be true and experienced via a mode of being which helped them make sense of their world. All this was to further ensure that this tradition continued and survived the recent, and more sustained onslaughts, which had challenged its continuity. For the court, it became a task of rescuing the reality of Khoja identity from the conflictual and rival understandings of the parties involved. The task of unearthing a coherent narrative, which the court understood as valid, also meant wresting it from the hands of the "Asiatics" so that it could be elevated and conform with colonial measures.[51]

The implications of the landmark 1866 ruling have been long-standing. Its proposition of Khoja origins and associations have contributed to the formation of a less convoluted and porous identity, ultimately simplifying a complex past while simultaneously setting in motion a process of formalizing a Khoja identity whereby a single story reigned supreme at the expense of others. It was meant to be totalizing and uncontestable. However, in reading the transcripts of the court case and the plethora of

[51] Ibid., 9.

realpatidar.com

https://archive.org/details/bk1249/page/n35/mode/1up

primary documents that precede it, we are provided with a very different picture of

realpatidar.com

Khoja communal self-understanding that is complex, spiky and nuanced that draws upon multiple narrative strands.

While there have been a series of studies over the past few decades that have investigated the court case and the period surrounding it to better understand the process of identity-formation, this study takes a somewhat different approach than its predecessors. Its aim is two-fold: to explore the categories and assumptions by which the multiple social actors understood and contributed to the discourses of Khoja selfhood and how these narratives mediated, interrupted and challenged the colonial discourse which ultimately prevailed. In addition, this study examines the tools and devices by which this selfhood was measured. While it is not surprising that the verdict in the 1866 Khoja Equity Case set in motion a pervasive narrative and set of social and religious practices which remain persistent today, it is surprising that it *continues* to be the predominant narrative of communal selfhood.

Under normal circumstances, the British stayed away from deliberating on issues of a religious nature. However, with the Khojas, these differences had very practical dimensions. These overlapped with areas that the British felt was an integral part of their responsibility and jurisdiction, namely property and peace. Both elements constituted part of the arena of public life for the British, and therefore needed rules of governance to ensure appropriate management of public safety, the avoidance and cessation of violence and the management of common property and funds.[52]

[52] Shodhan, "The Entanglement of the Ginans in Khoja Governance," 169.

realpatidar.com

https://archive.org/details/bk1249/page/n36/mode/1up

realpatidar.com

However, the tasks that lay before the court transcended any routine issues of political governance. As the court cases unfolded, it became increasingly clear that the legal bodies assigned the task of refereeing on matters of inheritance or ownership of public property had to first decide on questions of religious and social belonging. The courts, a product of the colonial governing structure, inherited the worldview prevalent amongst the European intelligentsia of the day, namely that the categories which governed the ways a religion was understood were commensurate with the paradigm of church and state. As Shodhan explicates in her work on Khoja social governance:

> The church was seen as a body governed by a head, carrying its teaching in some book. The sect was understood as a breakaway group that expressed its founding principle in a covenant when it began. Hinduism and Islam were seen as the primary "churches" in India, and the groups within these traditions were seen as sects.[53]

The Court Cases

All the major court cases in Bombay involving the Khojas as a collective group, or as individual families, ultimately hinged on the nature of their religious identity and the implications and consequences of that identity on their social practices. Since many of these practices involved public property and its inheritance and ownership, the courts were involved when the disputes could not easily be mediated by the Khoja customary arbitration process or when disenfranchised individuals, women, for example, felt they had a more just opportunity in the courts. This only became possible as Khoja families in Bombay grew and gained access to financial assets and property because of their business dealings, education and association with the British who, despite their

[53] Ibid., 169–170.

realpatidar.com

https://archive.org/details/bk1249/page/n37/mode/1up

ambiguity of definition, were privileged and respected for their contributions to Bombay society and loyalty to the Crown.

realpatidar.com

For caste disputes, the responsibility fell upon an internal body of adjudicators before the intervention of the courts. Known as the *justi*, the *jamayat* or *jamat,*[54] and occasionally translated as "council" in English, it consisted of all adult males in a vicinity, or in more serious cases, a group of five of the most senior males in the caste. The *jamat* or *justi* found it within their jurisdiction to handle conflicts or decisions related to marriage partners, financial disputes and even excommunication, or more accurately, out casting, for grave offenses. In reading many of the newspaper articles and Khoja primary sources from the period, it seems that despite British colonial involvement in society, the Khojas still maintained a strong sense of coherence. The concerns of the collective were still tantamount and superseded any sense of individual rights. Governing these decisions was a body of customs and values which seemed to bear upon each of the cases and disputes that were brought before the collective. The body tended to privilege an unwritten precedent and in many cases, would preserve the

[54] In 1870s Zanzibar, British officials there had documented the governing structure of the community, especially since they had risen to such prominence and dominated a large portion of the island's trade. "The Khoja community is governed of a Council of 5 Elders (the Amuldavi [the Amaldari?] who on the occurrence of a death vacancy elect the successor. There are two officers chosen yearly by the Council to attend to routine business, these are *Muki* [Mukhi] and *Kamaria* [Kamadia], but their position is altogether subordinate to the Council or Jemad [Jamat]. John Kirk, "(Inclosure.) – Dr. Kirk to Mr. Wedderburn," in *British and Foreign State Papers. Great Britain and Zanzibar*, Volume 1., 1873, 1123–1124. The term *justi* appears in "Judgment of the Hon'ble Sir E. Perry, Kt. Delivered 11th October 1847." The term *jamayat,* which appears in Sindhi legal and communal sources, could have been an attempt to transcribe a local variant of the term. See for example, "H. H. Agha Sultan Mahomed Shah and Others versus Nur Mahomed Lalan, Khoja," in *Selected Decisions of the Sind Sadar Court Relating to the Local Laws and Customs of the Province of Sind. Volume 1, 1896-1897* (Sind Gazette and Commercial Press, 1910), 391–430.

realpatidar.com

https://archive.org/details/bk1249/page/n38/mode/1up

status quo of the community acting as an upholder of tried and tested intrinsic knowledge. While in principle, the *justi* allowed for representation of all voices within the *jamat*, as the number of Khojas increased their social status and wealth, their voices become weightier during the deliberations. The heads of the *jamat*¸ the lead adjudicators, were generally selected by the collective for a period of one or more years and were entrusted with the collective's wellbeing. In addition to adjudication, it seems that these officers, known as *mukhi* and *kamadia*, often translated as treasurer and accountant, were also tasked with other duties including overseeing religious ceremonies, collecting contributions and tributes from Khojas for the maintenance of their spaces of worship and other welfare and educational initiatives. The monies were also collected to send to their Pir on an annual, or more regular, basis.[55]

realpatidar.com

These practices of social mediation seem to have been carried over and replicated in Bombay and its environs modelled upon existing practices from concentrations of Khoja settlement in Kutch, Kathiawar and Sindh, amongst other places from which the Khojas had arrived. These practices seem also to have been exported to other emergent centres across the Indian Ocean littoral including Rangoon, Gwadar, Muscat and Zanzibar, where Khojas had begun to settle.

As many of the studies of Khojas from the 19th century onwards have made apparent, all other elements of Khoja social identity were subservient to or

[55] Howard, *The Shia School of Islam and Its Branches, Especially That of the Imamee-Ismailies: A Speech Delivered By E. I. Howard, Esquire, Barrister-at-Law in the Bombay High Court in June, 1866*; "Supreme Court Equity Side: Judgement of the Court in the Khoja Case"; A. S. Picklay, *History of the Ismailis* (Bombay: Popular Printing Press, 1940).

realpatidar.com

https://archive.org/details/bk1249/page/n39/mode/1up

overshadowed by markers and measures of religious determination. The peculiarity of

realpatidar.com

Khoja beliefs and the ways in which they complicated the categories by which the British understood religion and religious divides: Hindu, Muslim, Shi'a and Sunni, cast a permanent shadow on the ways in which Khojas were understood, almost exclusively in religious terms. This bafflement was demonstrated in four significant cases involving the Khojas in 1847, 1850, 1866, and 1908 respectively. In 1847, the customs of Khoja practice, labelled Hindu and Muslim, especially in relation to intestate succession, were put in conversation with each other as Judge Erskine Perry attempted to decide whether custom or religion should govern the ways in which the estate of a Khoja should be disbursed.[56] What was once conceived by the Khojas as a singular tradition, indivisible by religious labels, was now being dissected and analyzed into various components which were each ascribed religious agency.

The judge noted the discrepancy in the Khoja's expressed identity as Muslims and the custom of disinheriting daughters which seemed at odds with the general practice amongst their co-religionists provisioned for the in the Qur'an. In fact, the customary practice amongst the Khojas was identical to another cognate group, the Memons, who found themselves in similar circumstances. The customs aligned with broader cultural practices in place in Kutch and Kathiawar, which was demographically Hindu in majority, and to which the Khojas traced their lineages before their settlement in Bombay. While Perry recognized the gap in Khoja practices vis-à-vis their religious identification, he sided with what he understood to be a practice that was associated

[56] "Judgment of the Hon'ble Sir E. Perry, Kt. Delivered 11th October 1847."

realpatidar.com

https://archive.org/details/bk1249/page/n40/mode/1up

with the group for at least the past four centuries. He cited both custom and environment as the possible reasons and causes for the social practice of the caste when it came to inheritance. While he became aware of the distance between the Khoja claim of Muslimness and the Hindu practice of inheritance, he argued that the Khojas knew little of the broader practices of Islam and pinned their lack of alignment with most other Muslim communities on ignorance and the simple lack of knowledge of their social mores and values.

realpatidar.com

He was sympathetic to, and understood the impact of, the environment on the ways in which religion took shape in the Indian subcontinent. Adjudicating on the case, he remarked:

> The Kojahs are a small caste in Western India who appear to have originally come from Sindh on [sic] Cutch and who by their own traditions, which are probably correct, were converted from Hinduism about 400 years ago by a Pir named Sudr Din. Their language is Cutchi; their religion Mahomedan; their dress, appearance and manners for the most part Hindu. These latter facts however do not warrant the conclusion being drawn, if such conclusion is necessary for the decision of the case (and I think it is not), that the Kojahs were originally Hindus, for such is the influence of Hindu manners and opinions on all castes and colors who came into close connection with them, that all assume an unmistakable Hindu tint. Parsis, Moguls, Afghans, Israelites, and Christians, who been long settled in India are seen to have exchanged much of their ancient patrimony of ideas for Hindu tones of thought; and in observing this phenomenon, I have been often led to compare it with one somewhat similar in the black soil of the Deccan, which geologists tell us possess the property of converting all foreign substances brought into contact with it into its own material.[57]

The case brought into question a number of important considerations. What for example, constitutes a Muslim and how did the Khojas understand their religious

[57] Ibid.

realpatidar.com

https://archive.org/details/bk1249/page/n41/mode/1up

identity if not in the terms of religious community? How did the Memons, who were much more educated than the Khojas and maintained the religious elements of Islam outside issues of inheritance, understand that particular practice? In what ways did the Khojas, if at all, conceive religion vis-à-vis that of the British?

realpatidar.com

In 1850, Perry once again found himself at the helm of another Khoja equity case. The two factions that would again face off in 1866 found their representatives in court a decade-and-a-half earlier arguing whether the property and funds amassed by the Khoja Jamat should be considered as part of the assets and management of the Aga Khan, who claimed leadership of the group. Deciding who had the rights to Khoja communal property was a common point of contention and would act as a harbinger in several of the other Khoja cases that followed in subsequent decades. Chief Justice Perry summed up the issue of the case in the following way:

> It appears in evidence that the Khojahs have from time to time subscribed money or caste purposes, and out of such subscriptions and legacies and gifts the caste has become possessed of a Durga, and burial ground and Musjeed, of a Jumat Khana, and some other property, and the substantial question is to declare in whom the ownership of the property is vested.[58]

After vacillating on whether the courts had jurisdiction at all, given that this was also a case involving religious matters, the judge decided that while it was not prudent to interfere and that while the court's decision was binding, it was a situation that he

[58] "Supreme Court Equity Side: Judgement of the Court in the Khoja Case." The spaces spoke to the variety of religious sites in use by the Khojas, which further complicated the ways in which the British understood who they were. The *durga*, associated with a deceased *sayyid* of the caste, was in the Khoja burial ground alongside one of its *masjid*s or mosques. The *jamatkhana* was found at another site and hosted yet different practices. This co-existence of space, and the rites associated with each, is a fertile area for study.

realpatidar.com

https://archive.org/details/bk1249/page/n42/mode/1up

needed to comment on because of the considerable equity being discussed in the case.

realpatidar.com

His judgement focused on six main points. First, that those who wished to secede from the collective because they disagreed had every right to do so. Second, that the Khojas collectively owned their property and as such they could do whatever they wished to with it, which could include submitting some portion of it to the Aga Khan. Third, that every Khoja had the ability to use common goods, such as the caste utensils, for purposes such as offering caste dinners. Fourth, it was an individual family's decision as to who they wished their sons and daughters to marry. The final decision or veto shouldn't be a matter for the Jamat's interference. Fifth, that Khojas' contributions to the collective caste pool was voluntary and couldn't be extracted by force or pressure. And finally, since the Aga Khan had not been able to determine rightful ownership of the *jamatkhana*s or other Khoja properties, that his influence did not include the ability to outcaste, excommunicate or exclude members of the Khoja collective from these spaces or from access to other members of the caste.[59] Unlike subsequent cases which tended to favor the Aga Khan, the 1850 and 1847 cases privileged Khoja custom and weighted its value higher than ties of potential allegiance to a spiritual leader.

The 1866 Khoja Case, which will be discussed at some length later in the thesis, questioned the religious nature of Khoja identity further. Its implications were no longer just identity as it related to inheritance rights but rather had at stake, questions of authority, influence and control. The question at the heart of the case was what should be the relationship of the Khojas to the Aga Khan in matters of everyday life.

[59] Ibid.

realpatidar.com

https://archive.org/details/bk1249/page/n43/mode/1up

The question, as in the 1847 and 1850 cases, was asked of the caste not simply as a matter of curiosity, but so that the management and decision making of Khoja property and funds could be properly governed. The authority of the *jamat* to make these decisions moving forward was now being questioned by the Aga Khan who understood his relationship to the Khojas to be one of spiritual leadership. This challenged the post-Enlightenment model of separation between Church and State. For the Aga Khan, spiritual governance equally included influence over the more profane domains of work, education and financial decision-making. Implied therefore was not just the guardianship of a community and its religious capital but also the management and control of its assets and equity.[60] In this totalizing picture, decision-making and management were being pried away from the purview of the Jamat.

realpatidar.com

Inherent to these three cases were the religious particulars of the Khoja collective, linked to questions of religion and the nature of authority in the community. The 1866 case to some extent reversed the decisions of the 1847 and 1850 cases and set into motion a trajectory of rising power and influence of the Aga Khan within the majority Khojas who gave him their allegiance. It also precipitated a formal fissure within the Khoja collective, which irreparably created an incision, and severed an essential element from a once cohesive whole. In effect, these three landmark cases in Bombay during the lifetime of Aga Khan I set an adversarial tone of conflict between certain elements of the caste and the Ismaili Imam.

[60] Howard, *The Shia School of Islam and Its Branches, Especially That of the Imamee-Ismailies: A Speech Delivered By E. I. Howard, Esquire, Barrister-at-Law in the Bombay High Court in June, 1866*.

realpatidar.com

https://archive.org/details/bk1249/page/n44/mode/1up

In the 1908 Haji Bibi Case, which took place in the lifetime of Aga Khan I's grandson, Imam Sultan Mahomed Shah, the third Aga Khan (b. 1877; r. 1885-1957), the 30-year old Imam was put on trial by his first cousin.[61] In this dispute, questions around money and tributes to the Aga Khan were taken further. While the 1866 case determined that Khoja property and financial tributes belonged to the Ismaili Imam, the 1908 case asked the question as to whether those funds were also partly owned by his family who believed they were equally entitled to those tributes. While Aga Khan III won the case, and set a precedent for future generations of the community, the damage had already been done. This included the formalization of yet another Khoja group who based its identity on a marriage of caste and religious definitions. While the 1866 case produced the Khoja Sunnis and the 1908 case cemented the identity of the Khoja Ithna Asharis, those that remained loyal to the Aga Khans after this period became known as Shi'a Ismailis and became the majority constituent of the now divided Khoja collective.

realpatidar.com

The orientalist and British Indian fascination with Khoja religious identity also meant that it buoyed to the surface before all other matters. Definitions of the Khojas in each subsequent trial seemed to become more simplified and flattened. The complexity and uncertainty of Khoja markers of identity and even the diversity of the group itself was somewhat lost in the attempts to provide them with a distinct and clear religious habitus.[62] While religious belonging is an integral part of a community's identity, it is

[61] Ibid.; Russell, *Haji Bibi vs H.H. Sir Sultan Mahomed Shah*.

[62] I am borrowing here from the work of Pierre Bourdieu who defined habitus as the physical embodiment of cultural capital. See Pierre Bourdieu, *Outline of a Theory of Practice* (Cambridge: Cambridge University Press, 1977); Pierre Bourdieu, *Pascalian Meditations* (Palo Alto: Stanford University Press, 2000).

realpatidar.com

https://archive.org/details/bk1249/page/n45/mode/1up

best understood when situated upon a backdrop composed of historical realities and social context. However, it is the ambiguity of Khoja religious identity itself which had succumbed to and become the battlefield for self-determination by various groups within the collective, as well as those outside of it who had an interest in their fate.

realpatidar.com

While the disputes never fully ceased, by 1908 the incumbent to the office of the Aga Khan had become more secured in his position and challenges to his authority became less frequent. The office of Ismaili Imamat he occupied was also clearer in its mandate and jurisdiction. However, without the springboard of the 1866 case, that likely would never have happened. As the Aga Khans gained more prominence and became more public figures in Bombay society, their clout and social prestige also grew. While difficult to know for sure, this likely had an impact on the various cases.

Constituting Religious Identity

What constitutes religious identity and who is responsible for defining one's membership to a community or a group? The broader question of how religious identity is defined remains a pregnant one in society today. Within religious communities, and most prevalently amongst Muslims, we see that attempts at definition of what constitutes being Muslim or Muslim practice, impact the ways in which Muslim groups are included and excluded from the religious umbrella to which they claim to belong.[63]

[63] The Amman Message spearheaded by His Majesty King Abdullah II of Jordan was an attempt in the modern era to bring Muslims together under one banner and to propose a way of understanding Islam that was inclusive and conciliatory rather than divisive. In 2006, he gathered Muslim leaders and representatives from around the world to endorse the Amman Message. In the document were recognized many Muslim communities, who in other venues, would have been considered outside the pale of Islam or at least whose inclusion was challenged by other Muslims because of their beliefs or ritual

realpatidar.com

https://archive.org/details/bk1249/page/n46/mode/1up

Furthermore, the act of *tafkir*, or pronouncements of apostasy, an age-old practice amongst Muslims, has become an industry in the age of social media and technology.[64] This amplification of opinion by *mufti*s and others grounded in the Qur'an and *hadith*, have not only impacted public opinion but have also brought into question groups' and communities' own sense of inclusion, creating insecurities and doubts. In some cases, these have led to further secrecy or reform over a period of time as Muslims increasingly are concerned with how they are perceived by other Muslims in public discourses. The range of interpretive communities that exist within the Muslim ummah, each with their own historical trajectories and intellectual developments are numerous. While there is much that binds them, there is much diversity in the ways that they understand and make sense of Allah, His Prophet Muhammad, and the revelation safeguarded in the Qur'an. These have been contingent on many factors and through time have given each Muslim community its unique character.

realpatidar.com

Part of the reason the classification of Khojas had eluded their observers was that, at least since 1743, the Khojas governed their own affairs through a traditional 'council' in which disputes were handled internally. [65] Their relationship to a community outside the cultural and geographic borders of India, as well as to a model of authority

practices. While it is difficult to know if it had (or has) significant impact, it remains a significant act of our time. See http://ammanmessage.com/.

[64] The first act of *tafkir* was practiced by the Khariji, who believed that the party of Ali b. Abi Talib that they were once a part of, had gone against the ideals of the Qur'an in refusing to revolt against the oppressors of Islam and its adherents. The Khariji declared the Alids unbelievers in this process. Today YouTube has countless examples of modern day versions of the practice of *tafkir* in which a multitude of communities are relegated to this domain.

[65] "The Proposed Khoja Commission," *The Times of India* (Bombay, October 29, 1878), 2. It is not known why this date might be so specific, but in the article, it is notable in its precision. It is possible that this is the date when contact was first made with the Imam in Persia or when the last surviving Pir no longer managed the affairs of the community.

realpatidar.com

https://archive.org/details/bk1249/page/n47/mode/1up

that had both local and regional dimensions, also added further complexity to grounding them within a dynamic that could be made comprehensible to outsiders, let alone themselves. It was in this complexity that the British began to assert judicial authority, all during a time of immense change for the Khoja collective which was urbanizing and making sense of its own identity. Within the collective there were local variants based on geographic origins (Sindh, Kutch and Kathiawar); there were also the impacts of a rising social and economic elite as well as more intimate contact with the Aga Khan.

realpatidar.com

This encounter of the Khojas with their colonial overseers did not mean the Khojas did not exist as a bounded group previously. The Khojas always thought of themselves as a caste, a super-category in which religion played a part. What was different now was the nature and adhesives of that binding in a shifting and novel environment. Khojas were linked by practice and ideology. Communal identity, beyond being that of Khoja, was not something that they placed importance upon, but under colonial rule, suddenly it became the overarching category that would determine their destiny.

In the following chapter, we will look at the challenges this posed in writing a social history of the Khojas and the ways in which we may be able to overcome some of these.

realpatidar.com

https://archive.org/details/bk1249/page/n48/mode/1up

Chapter 3: Formulating a Historical Narrative

realpatidar.com

Life can only be understood backwards; but it must be lived forwards.
Soren Kierkegaard

Quotation found on Khoja Studies (khojastudies.org) and Khoja Heritage (khoja.org) websites, affiliated with members and institutions of the Khoja Shi'a Ithna Ashari community.

With few exceptions, attempts at piecing together a history of Ismaili communities of South Asia have been challenging.[66] Boundaries between one group and

[66] In the pre-modern period, information on individual Khojas is unsurprisingly lacking and research instead has focused on the collectivity of the caste in its geographic context, linguistic output and figures of religious importance. Conversion, disputes within and amongst Satpanthi leadership are also recurring themes. Examples include Samira Sheikh, "What Makes a Real Muslim? The Matiya Uprising and Religious Categories in Late Mughal Gujarat" (Unpublished Conference Paper: Ecole Francaise d'Extreme Orient. December 3, 2008); Dominique-Sila Khan and Zawahir Moir, "Coexistence and Communalism: The Shrine of Pirana in Gujarat," *South Asia: Journal of South Asian Studies* XXII (1999): 133–154; Zawahir Moir and Dominique-Sila Khan, "New Light on the Satpanthi Imamshahis of Pirana," *South Asia: Journal of South Asian Studies* XXXIII, no. 2 (2010): 210–234.The *ginan*s, as examples of the religious and devotional output of Khoja leaders and communities, have also been mined for religious and historical themes and continue to be examined as a way of delineating Khoja beliefs from those of other groups. Some scholars remind us of the broader devotional milieu to which the Khojas belong. See Ali S. Asani, *Ecstasy and Enlightenment: The Ismaili Devotional Literatures of South Asia* (London: I. B. Tauris in Association with The Institute of Ismaili Studies, 2002); Ali S. Asani, "From Satpanthi to Ismaili Muslim: The Articulation of Ismaili Khoja Identity in South Asia," in *A Modern History of the Ismailis* (London: I. B. Tauris in Association with The Institute of Ismaili Studies, 2011). Others have looked to the *ginan*s beyond their religious and poetic value as sources of social history. For example, Tazim R. Kassam, *Songs of Wisdom and Circles of Dance: Hymns of the Satpanth Isma'ili Muslim Saint, Pir Shams* (Albany: SUNY Press, 1995). Yet others have explored the complex identities and interactions between Khojas and other cognate groups and castes. See Khan, *Conversions and Shifting Identities: Ramdev Pir and the Ismailis in Rajasthan*. Works on the 18th and 19th century have tended to focus on disputes within and amongst groups who share in a common Satpanthi heritage and include James C. Masselos, "The Khojas of Bombay: The Defining of Formal Membership Criteria During the Nineteenth Century," in *Caste and Social Stratification Among Muslims in India*, ed. Imtiaz Ahmad (Bombay: South Asia Books, 1978), 97–116; John Norman Hollister, *The Shi'a of India* (London: Luzac & Co., 1953); Zawahir Moir, "Historical and Religious Debates Among Indian Ismailis 1840-1920," in *The Banyan Tree*, 1999; Dominique-Sila Khan and Zawahir Moir, "Coexistence and Communalism: The Shrine of Pirana in Gujarat," *South Asia: Journal of South Asian Studies* XXII (1999): 133–154; Asgharali Engineer, *The Muslim Communities of Gujarat: An Exploratory Study of Bohras, Khojas and Memons* (Bombay: South Asia Books, 1989); DS Khan, *Rewriting the Ginans: Revolution and Resistance among the Imamshahis*, ed. Tazim R. Kassam and Francoise Mallison (New Delhi: Primus Books, 2010). A number of historiographical works place Khoja development within a more elongated timeline and look at the ways in which one of its eventual trajectories, was associated with Nizari Ismaili Shi'ism. These include Nanji, *The Nizari Ismaili Tradition in the Indo-Pakistan Subcontinent*; Samira Sheikh, "Religious Traditions and Early Ismaili History in South Asia: Some Historical Perspectives on Satpanthi Literature and the Ginans," in *Ginans, Texts and Contexts: Essays on Ismaili Hymns from South Asia in*

realpatidar.com

https://archive.org/details/bk1249/page/n49/mode/1up

another were often blurred prior to the 19th century and a singular label or term to help

realpatidar.com

delineate groups who were loyal to the Ismaili Imam was evasive.[67] Furthermore, as a

Honour of Zawahir Moir (Delhi: Manohar, 2007), 149–168. Tazim R. Kassam, *Songs of Wisdom and Circles of Dance: Hymns of the Satpanth Isma'ili Muslim Saint, Pir Shams* (Albany: SUNY Press, 1995); Masselos, "The Khojas of Bombay: The Defining of Formal Membership Criteria During the Nineteenth Century"; Zawahir Moir, "Historical and Religious Debates Amongst Indian Ismailis 1840-1920," in *The Banyan Tree: Essays on Early Literature in Indo-Aryan Languages. Proceedings of the Seventh International Conference on Early Literature in New Indo-Aryan Languages*, ed. Mariola Offredi (New Delhi: Manohar, 2000), 131–153; Khan and Moir, "Coexistence and Communalism: The Shrine of Pirana in Gujarat"; Zawahir Moir and Dominique-Sila Khan, "New Light on the Satpanthi Imamshahis of Pirana," *South Asia: Journal of South Asian Studies* XXXIII, no. 2 (2010): 210–234; Dominique-Sila Khan, "Liminality and Legality: A Contemporary Debate Among the Imamshahis of Gujarat," in *Lived Islam in South Asia: Adaptation, Accommodation and Conflict*, ed. Imtiaz Ahmed and Helmut Reifeld (New Delhi: Social Science Press, 2004), 209–232; Shafique N Virani, "Taqiyya and Identity in a South Asian Community," *Journal of Asian Studies* 70, no. 1 (2011): 99–139; Sheikh, "Religious Traditions and Early Ismaili History in South Asia: Some Historical Perspectives on Satpanthi Literature and the Ginans"; Hollister, *The Shi'a of India*.

[67] See for example, Francoise Mallison and Zawahir Moir, "'Recontrer l'Absolu, O Ami': Un Hymne Commun Aux Hindous Tantriques et Aux Musulmans Ismaeliens Du Saurashtra," *Purusartha* 19 (1996): 265–276; Khan, *Conversions and Shifting Identities: Ramdev Pir and the Ismailis in Rajasthan*; Khan and Moir, "Coexistence and Communalism: The Shrine of Pirana in Gujarat"; Dominique-Sila Khan, "The Lord Will Marry the Virgin Earth: Songs of the Time to Come," *Journal of Indian Philosophy* 28 (2000): 99–115; Francoise Mallison, "Saints and Sacred Places in Saurashtra and Kutch: The Cases of the Naklanki Cult and the Jakhs," in *Pilgrims, Patrons and Place: Localizing Sanctity in Asian Religions* (Vancouver: University of British Columbia, 2003), 332–349. While the Khojas have dominated the work on South Asian Ismaili's, other groups such as the Momins (oftentimes corrupted as Mumnas or Momnas), Guptis, Shamsis, Lassis have been understudied. On the Guptis, see Virani, "Taqiyya and Identity in a South Asian Community." On Momin communities see Wafi Ahmed Momin, "The Origins and Development of the Momin Ismaili Community in Gujarat" (SOAS, 2006). Also understudied have been Khoja communities in Karachi and Sindh who have had distinct histories of practice and religious development prior to the independence of Pakistan. The most prolific chronicler is Mumtaz Tajddin whose work is invaluable but difficult to validate without proper sourcing. These include amongst others Mumtaz Ali Tajddin S Ali, *Kharadar Jamat* (Karachi, 2006); Mumtaz Ali Tajddin S Ali, *Lassi Jamat: Brief History* (Karachi, 2006); Mumtaz Ali Tajddin S Ali, *Malir Jamat: Brief History* (Karachi, 2006); Mumtaz Ali Tajddin S Ali, *Ranchhore Lines Jamat: Brief History* (Karachi, 2006). The most serious studies, which have gone largely unnoticed, belong to the French historian-anthropologist Michel Boivin and include Michel Boivin, "The Isma'ili–Isna 'Ashari Divide Among the Khojas: Exploring Forgotten Judicial Data from Karachi," *Journal of the Royal Asiatic Society (Third Series)* 24, no. 3 (2014): 381–396; Michel Boivin, "The Saint as Ancestor in Some Sufi and Ismaili Communities in the Sindhi Area," in *Family Portraits with Saints: Hagiography, Sanctity and Family in the Muslim World* (Berlin: Klaus Schwarz, 2014), 327–342; Michel Boivin, "New Problems Related to the History and Tradition of the Agakhani Khojas in Karachi and Sindh," *Journal of the Pakistan Historical Society* 46, no. 4 (1998): 5–33; Michel Boivin, "Ginans and the Management of the Religious Heritage of the Ismaili Khojas in Sindh," in *Ginans, Texts and Contexts: Essays on Ismaili Hymns from South Asia in Honour of Zawahir Moir*, ed. Tazim R. Kassam and Francoise Mallison (Primus Books, 2010), 25–53. For work on the Khojas of Gwadar see Shihabuddin A. Gwadari, *Gawhar-e Gwadar* (Karachi, 1994). For works on the Khoja Ithna Asharis of Muscat known locally as Lawatias see Calvin H Allen Jr., "The Indian Merchant Community of Masqat," *Bulletin of the School of Oriental and African Studies* 44, no. 1 (1981): 39–53; Jawad Al-Khaburi Lawati, *Al-Adwār Al-'Umānīyah Fī Al-Qārah Al-Hindīyah : Dawr Banū Sāmah Ibn Lu'ī Al-Lawātīyah* (Beirut: Dār al-Nubalā, 2001).

realpatidar.com

https://archive.org/details/bk1249/page/n50/mode/1up

number of scholars have noted, the history of Satpanth or Satpanth Ismailism, the appellate given to the religion of the Khojas and cognate groups, has often been marginalized to other periods and geographies of Ismaili history.[68] After the 1866 Khoja Equity case, the accusation that Khojas observed a form of "mental reservation" or pious dissimulation (Ar. *taqiyya*) in order to avoid persecution also seemed to complicate matters.[69]

realpatidar.com

Where narratives have existed, they have been dominated by the lives of Pirs and Imams, figures of authority intricately linked to the establishment and growth of Khoja communities.[70] Khoja groups themselves, however, were overshadowed, having received little attention except as passive objects of conversion to the Satpanth or as unworthy agents in the development of religious institutions.[71]

[68] The most vociferous argument can be found in Kassam, *Songs of Wisdom and Circles of Dance: Hymns of the Satpanth Isma'ili Muslim Saint, Pir Shams* who argues that Satpanth and its manifestation through and within Khoja communities has not been overlooked but systematically and institutionally marginalized as it challenges "true Ismailism" whose repository is the classical Ismailism of the Fatimid (909-1024) and Alamut (1024-1256) periods of its history. Other works also have critiqued the Arabo-Persian focus by attempting to reclaim South Asian Ismailism in their writings. These include works such as Tazim R. Kassam and Francoise Mallison, eds., *Ginans: Texts and Contexts: Essays on Ismaili Hymns from South Asia in Honour of Zawahir Moir* (New Delhi: Matrix, 2007); Zawahir Moir and Christopher Shackle, *Ismaili Hymns from South Asia: An Introduction to the Ginans* (London: Psychology Press, 2000); Nanji, *The Nizari Ismaili Tradition in the Indo-Pakistan Subcontinent* which reposition South Asian Ismailism and its rich religious output as serious subjects of study.

[69] Daftary, *The Isma'ilis: Their History and Doctrines*, 85–86, 91, 406–410, 435, 460, 484; Virani, "Taqiyya and Identity in a South Asian Community"; Virani, *The Ismailis in the Middle Ages: A History of Survival, A Search for Salvation*, 53–56, 104, 136–147.

[70] The definition of what it means to be a Khoja is an interesting one. In a visit to the Shrine of Pir Sadr al-din in Pakistani Punjab in 2005, the author was shown two distinct graveyards. The family and descendants of the Pir referred to by the local villagers as *sayyid*s and indicating a bloodline to the Prophet were buried in the shrine compound. The Pir's converts to Islam – although which Muslim community remains a debate – known as Khojas and Shamsi respectively were buried in the nearby village. This distinction between those who were inheritors of the Prophet's familial lineage and those who were not is an important distinction made by those associated with the Khojas in the 19th and early 20th centuries. Similar distinctions are seen in other graveyards in Pakistan such as that at Tando Muhammad Bagho in Pakistan's Sindh province.

[71] One notable exception to the rule is Masselos, "The Khojas of Bombay: The Defining of Formal Membership Criteria During the Nineteenth Century." In this work, Masselos pieces together narratives

realpatidar.com

https://archive.org/details/bk1249/page/n51/mode/1up

Some imprints and records of Khoja presence and engagement survive,

realpatidar.com

especially in the modern period, but very little exists by way of insight, careful analysis or attention to their social history let alone sustained studies of religious development of Khoja communities in the contemporary period.[72] Where remnants of that past do survive, they are found in the products and externalities of colonial rule. Despite their existence, much of this archive has been ignored or wilfully pushed aside.[73] In the modern era, this has been even more acute, primarily because the data and narratives available in the colonial archive have been perceived to challenge the ways in which inheritors of the Khoja legacy understand their identity and role in today's world.[74] This

from the colonial newspapers of the period to examine the ways in which Khoja identity was negotiated and formalized.

[72] S. Mujtaba Ali, *The Origins of the Khojas and Their Religious Life Today* (Bonn: Universitat Bonn, 1936); Parin Aziz Dossa, "Ritual and Daily Life: Transmission and Interpretation of the Ismaili Tradition in Vancouver" (University of British Columbia, 1985). Asani, "From Satpanthi to Ismaili Muslim: The Articulation of Ismaili Khoja Identity in South Asia" provides a model for studying doctrinal change. Zulfikar A. Hirji, "The Socio-Legal Formation of the Nizari Ismailis of East Africa, 1800-1950.," in *A Modern History of the Ismailis: Continuity and Change in a Muslim Community* (London: I. B. Tauris in Association with The Institute of Ismaili Studies, 2011), 129–60 provides a window into socio-legal development and evolution. Iqbal S Akhtar, *The Khōjā of Tanzania: Discontinuities of a Postcolonial Religious Identity* (Leiden: Brill, 2016) explores the ways in which a community has developed within and through changes in political governance.

[73] The exception to this rule is the 1866 Khoja Equity Case and Gazetteers prepared by the colonial officials to help document the various peoples in British domains. For the 1866 case, see Shodhan, "The Entanglement of the Ginans in Khoja Governance"; Purohit, *The Aga Khan Case: Religion and Identity in Colonial India*; Purohit, "Reading Global Islam Through Messianic Renewal In Dasavatar"; Kassam, *Songs of Wisdom and Circles of Dance: Hymns of the Satpanth Isma'ili Muslim Saint, Pir Shams*; Hickling, "Disinheriting Daughters: Applying Hindu Laws of Inheritance to the Khoja Muslim Community in Western India"; Sheikh, "Religious Traditions and Early Ismaili History in South Asia: Some Historical Perspectives on Satpanthi Literature and the Ginans." For the Gazetteers, see for example Campbell, *Gazetteer of the Bombay Presidency, Volume V: Cutch, Palanpur and Mahi Kantha*, 463.

[74] At a time where there has been a focus by all Khoja communities on unity and confluence rather than on the fissures of the past, the artifacts of that past have proven to be problematic as they highlight disputes rather than a shared legacy. In all three of the communities, there is a strong sense of their minority status and, thus, an even greater pull to find like-minded communities of connection. Since the Khoja communities all share in a common language and historical background apart from the past 170 years, there is also much to be celebrated and discovered. Unlike many communities, including groups such as the Lawatias, also Khoja Ithna Asharis based in Oman and the Gulf, many Khoja communities have chosen to honor and discover their heritage to learn more about themselves and their beginnings. For the

realpatidar.com

https://archive.org/details/bk1249/page/n52/mode/1up

is especially true of the Ismailis under the leadership of their present Imam, Aga Khan IV, Karim al-Husayni (b. 1936; r. 1957-present).[75] Other inheritors of this legacy, the Khoja Sunnis and Khoja Ithna Asharis, have spent significant resources and energies to reclaim and document this past. [76] In short, the Ismailis have had a vested interest in Satpanth primarily because its most prolific artifact, the *ginan*s, continue to excite the imagination of the Khojas and remain part of their daily liturgies and ritual performances.[77] The Khoja Ithna Asharis, and to a lesser extent, the Khoja Sunnis have been attempting to rescue the constituent texts that have defined and commented

realpatidar.com

Lawatias, see Allen Jr., "The Indian Merchant Community of Masqat"; Al-Khaburi Lawati, *Al-Adwār Al-'Umānīyah Fī Al-Qārah Al-Hindīyah : Dawr Banū Sāmah Ibn Lu'ī Al-Lawātīyah*.

[75] This is further developed in the program of the Nizari Ismailis who increasingly see their role as bringing the various interpretive communities in Islam together in non-theological ways. Many of their outreach programs are aimed at Muslims of all backgrounds as much as they are to the wider communities to which they belong. In particular, their six Ismaili Centres located London, Vancouver, Lisbon, Dubai, Dushanbe and Toronto, have an ambassadorial function and create programming to do so. In this climate of creating consonance and unity, the internecine challenges of Bombay and elsewhere would spotlight moments of dispute, strife and disunity rather than commonality.

[76] Websites such as http://khojahistory.org/, http://khojapedia.com/, and http://www.marcresource.org/ along with video efforts such as http://www.khojajourneyoffaith.org/, orchestrated by Hasnain Walji demonstrate the energies put into such endeavours. On the publication front, there is an increased effort to document either through oral or written records the dispersed and rich heritage of the Khojas in different parts of the world. See for example, Z Bhalloo, *Khoja Shia Ithna-Asheris in Lamu and Mombasa, 1870-1930*, 2008, accessed September 11, 2016, http://www.sikh-heritage.co.uk/heritage/sikhhert EAfrica/nostalgic EA/other towns/khoja lamu mombasa 1.pdf; Hassan Ali M. Jaffer, *The Endangered Species: An Account of the Journey of Faith by The Khoja Shi'a Itha-Asheri Community* (Thornhill: Mulla Asghar Memorial Library and Islamic Resource Centre, 2012); I Akhtar, *The Khōjā of Tanzania: Discontinuities of a Postcolonial Religious Identity* (Leiden: Brill, 2016). Efforts by others such as the late Cynthia Salvadori also significantly buoyed interest in Khoja studies and alerted members of the Khoja collective of the range of primary materials that still needed to be unearthed and documented. Many were sitting in personal and private archives as well as oral repositories in the eldest members of the various Khoja communities. See especially Salvadori, *We Came in Dhows*.

[77] See for example, Karim Gillani, "The Ismaili "Ginan Tradition from the Indian Subcontinent," *Middle East Studies Association Bulletin* 38, no. 2 (2004): 175–185; Kassam, *Songs of Wisdom and Circles of Dance: Hymns of the Satpanth Isma'ili Muslim Saint, Pir Shams*; Aziz Esmail, *A Scent of Sandalwood: Indo-Ismaili Religious Lyrics* (London: I. B. Tauris in Association with The Institute of Ismaili Studies, 2014); Asani, *Ecstasy and Enlightenment: The Ismaili Devotional Literatures of South Asia*; Moir and Shackle, *Ismaili Hymns from South Asia: An Introduction to the Ginans*.

realpatidar.com

https://archive.org/details/bk1249/page/n53/mode/1up

upon what it means to be Khoja. In both these cases, embracing Sunni or Shi'a Ithna Ashari Islam, has also meant dispensing with the *ginan*s.[78]

realpatidar.com

While the mid-19th century was a time where proto-"Khoja communities" shed elements of their religious pasts that were claimed by others, the late 20th and early 21st centuries have been a period of communal and religious pride[79], an opportunity to celebrate one's founders and heroes and those figures who bravely championed what they believed was right amidst the face of opposing forces which included other members of the Khoja collective, and in certain rare cases, the Aga Khan himself. The end of the 19th century formalized these communities and marked both a point of intersection and a point of departure for Khoja history. In this short period between the 1850s and 1880s, three new communities were seeded, each drawing upon a common past but with designs for a very different future than the others. At stake was not Khoja heritage which was equally claimed by all disputants, but rather Khoja tradition, a seemingly straight line linking the past with the future.

While a wealth of community resources, primarily in Gujarati, written in the Devanagari or Khojki script, do exist, many deal with matters of religion. Other materials remain extant but for the most part haven't been consulted or catalogued. A number of efforts in recent years have tried to animate the lives of key figures in each community's Khoja history, often taken up by passionate lay historians and chroniclers set on bringing

[78] At the forefront is the Mulla Asghar Memorial Library and Islamic Resource Centre in Toronto.
[79] For the Ismailis, such works by the chronicler Mumtaz Tajddin have led these efforts. The most iconic of which is Mumtaz Ali Tajddin S Ali, *101 Ismaili Heroes* (Karachi, 2007). Online projects such http://www.simerg.com/ led by Canadian Malik Merchant are crowd sourced attempts to engage Khoja Ismailis in preserving their own history and stories.

realpatidar.com

https://archive.org/details/bk1249/page/n54/mode/1up

the past to a new generation. As part of this archive, exists a rich collection of community-led-and-published magazines which provide more granular details into the lives and developments of the various communities.[80] The matter has become more urgent as the oldest members of each community are passing away, taking with them stories and secrets of their own parents and grandparents.[81] Without these living repositories and storytellers, contemporary historians have been left to their own devices to try and place towering figures of the past within a social, linguistic and geographic context that are somewhat removed and foreign to them. Documenting the lives of Khoja ancestors has become even more urgent given that the manuscript and print record are increasingly under threat, not just from disappearing, but also from the dwindling ability to read the Gujarati text and the even more elusive Khojki script that was particular to Khoja communities. Collectively, this has led to an increased desire to preserve an identity that is slowly being amalgamated and fused into others, beckoning one author to refer to the Khoja as an "endangered species."[82]

realpatidar.com

[80] The weekly *Khoja Dost*, for example, published "in the vernacular" began circulating in May 1861, possibly by elements of the community who were somewhat unsure of the Aga Khan's claims. Comparable magazines already circulated in other communities such as the *Satya Prakash* of the Bhatias, which may have acted as a model for the Khojas. *Bombay Times and Standard* May 7, 1861, p. 4. This periodical seems not have lasted very long and by 1863 may have been amalgamated with another known as the *Satya Dipika*. William Johnson. "Khojahs (No. 24)," *The Oriental Races and Tribes: Residents and Visitors of Bombay*. Vol 1: Gujarat, Kutch and Kathiawar. London, 1863, pg. 88-89. Other early efforts include *Ismaili Sitaro*, which was in circulation by 1908 and whose title suggests that it may have been the efforts of Sindhi Ismailis. Another Ismaili magazine, *Satpanth Ismaili Prakash* was also in circulation around 1917 and whose name suggests a consciousness beyond that of simply a caste-identity being promulgated. Around 1924, *The Ismaili Bombay* began circulating and seems to have dwarfed or replaced many of the periodicals in circulation prior to that.

[81] The Federation of the Khoja Shia Ithna Asheri Jamaats of East Africa has been particularly active in preserving the heritage of their communities and publishing them through their newsletter and website. Examples can be found at http://www.africafederation.org/publications/archives.

[82] Jaffer, *The Endangered Species: An Account of the Journey of Faith by The Khoja Shi'a Itha-Asheri Community*.

realpatidar.com

https://archive.org/details/bk1249/page/n55/mode/1up

Many of these remnants form part of the colonial print archive, which mushroomed under British rule as Khojas migrated and settled into the Indian port-city of Bombay. Alongside this, are important manuscript collections that exist in personal and institutional archives scattered throughout the world.

realpatidar.com

The arrival of the Khojas in Bombay also conveniently aligned with the profusion of mass print, and with it, increased access to news within the city as well as halfway across the globe. It was the newspaper which broadcast local, regional and transnational news to its readers. As the British attempted to make sense of the religious diversity under their suzerainty, the Khojas were one such community which complicated the relatively neat and formerly mutually exclusive categories of Hindu and Muslim. This seems to have grafted a mysterious veneer upon the Khojas that the British Indian legal system struggled to dismantle and understand. The very ambiguity which the Khojas presented, however, piqued the interest and curiosity of the colonial establishment in British India.

In fact, it was the curious confluence of several elements that seemed to have propelled the Khojas from a community of relative obscurity to one of disproportionate prominence within the print landscape. The first was the settlement of Khojas in Bombay from independent principalities and kingdoms as well as other regions of the British Indian Empire. This seems to have been heralded because of the transition of power from the Mughal polity to the British Indian State. Under the Mughals, the Khojas were seen as a Muslim minority and were persecuted for their beliefs, which by the standards of a number of their Muslim overseers, were not considered “orthodox”. The

realpatidar.com

https://archive.org/details/bk1249/page/n56/mode/1up

Mughal Emperor Aurangzeb seems to have been particularly relentless in defaming those who held Satpanthi beliefs.[83]

realpatidar.com

Under the British, the tendency to define Islam and decide who fell within its boundaries did not have theological import. Therefore, religion did not overtly feature in the governance structures or policies that the British instituted. In this environment, the Khojas seem to have been more comfortable expressing their Muslimness and identifying with Muslim communities of various persuasions alongside their existing mercantile relationships with Hindus. While they tended to live primarily amongst Hindus in Gujarat, in Bombay they settled in areas that were markedly Muslim.[84]

Having a faith such as Satpanth, which drew upon both Muslim and Hindu vernaculars and idioms, created the potential of identities that were less rigid and more malleable. This raised numerous questions for British governance and complicated the ways in which Khojas presented themselves in public discourses and civic arenas. While its ambiguity, or rather its reliance and attachment to multiple traditions of piety provided respite and relief for the Khojas from threats of persecution, it also had the potential to amplify them. As religious identities morphed into categories that informed governance practices, it brought into question broader issues of custom and tradition vis-à-vis religious prescription amongst the Khojas. This first reared its head in a public way during the British colonial period in the case of Meer Sajun Ali v. Gorbae and

[83] Samira Sheikh, "The Millennial Monarch and His Middle Managers: Aurangzeb and Shi`a Minorities in Gujarat" (New Haven, CT, CT: Unpublished Conference, 2014).

[84] This raises some interesting questions about what it was about the urban environment that gave the Khojas comfort in living with those who they deemed their co-religionists. Perhaps the logic of commerce in an urban environment was different from that of a town or village and did not necessitate one living amongst one's commercial catchment.

realpatidar.com

https://archive.org/details/bk1249/page/n57/mode/1up

Hirbae.[85] The issue took almost a century to be resolved with countless cases in Bombay and abroad in which Hindu succession in a Muslim community were debated and discussed.

realpatidar.com

As Khojas acquired wealth in the local and transoceanic economy of Bombay, this change began to impact the built landscape of the city. Some structures such as schools were modest, while others such as the Khoja *jamatkhana* and industrial showrooms were grander. This increase in profile seems to have lowered the instances of persecution. The Khojas were becoming a caste with heightened social prestige in the Bombay marketplace.[86] Some of the attention being shone upon the Khojas was shifted towards the Aga Khan after his arrival, as well as upon the sometimes-uneasy relationship between them. Already under the watchful eye of the British, the Aga Khan was also an anomaly. His status as an exiled Persian prince whose battles in Afghanistan assisted the British was not enough to quell the government who adopted him as one of his subjects. He was unpredictable and tried on many an occasion to permanently settle in Bombay but had met on several occasions with challenges.[87]

Upon his arrival, there were numerous attempts by the Ismaili Imam to secure his authority over the Khojas. However, on several occasions this ended in protracted conflict and violence.[88] There were a number of prominent individuals within the Khoja

[85] "Judgment of the Hon'ble Sir E. Perry, Kt. Delivered 11th October 1847"; Perry, "Mahomedan Succession. Kojah's and Memon's Case."
[86] Picklay, *History of the Ismailis*, 69–111; Hamshad Rahim, "The Aga Khan and the Khojas of India" (University of Chicago, 1958).
[87] Bose, *The Aga Khans*.
[88] See for example, "Bombay. Musulman Fanaticism."

realpatidar.com

https://archive.org/details/bk1249/page/n58/mode/1up

collective who were unhappy with the level of control and oversight the Aga Khan was exerting upon the caste. The conflict culminated in the Khoja Case of 1866.

realpatidar.com

Prior to the case, accounts of the Satpanth drew primarily on existing narrative structures and collective imagination of the Khojas, often employing the mythological and miraculous as devices to support and extend the supernatural potency of these figures. This was especially true of the Pirs who were considered part of the same cultural and geographical milieu of the Khojas even though they were not part of the caste. Consonant with the ways in which both Sufi masters and Hindu Gods were presented in South Asia, the construction and ascription of power was one in which the Divine presented itself through and within earthbound action. While the Hindu *avatar* was by no means equivalent to the Sufi master, what they shared were the ways in which they were constructed and imagined through religious narratives, and the ways in which those narratives empowered them. For through these sacred texts and oral histories, liturgies and stories, news of their spiritual abilities circulated.[89]

While the stories persisted, around the time of the 1866 case, questions around the religious identity and leanings of the Pirs came into question. Amongst the Khojas themselves there seemed to be discrepancies as to how the Satpanth could map onto contemporary religious categories. There was no question that it was Islam that the Khojas practiced, what remained uncertain was whether Khoja practices, and therefore

[89] See for example, Mallison and Moir, "'Recontrer l'Absolu, O Ami': Un Hymne Commun Aux Hindous Tantriques et Aux Musulmans Ismaeliens Du Saurashtra"; Mallison, "Saints and Sacred Places in Saurashtra and Kutch: The Cases of the Naklanki Cult and the Jakhs"; Boivin, "The Saint as Ancestor in Some Sufi and Ismaili Communities in the Sindhi Area"; Nanji, *The Nizari Ismaili Tradition in the Indo-Pakistan Subcontinent*; Moir and Shackle, *Ismaili Hymns from South Asia: An Introduction to the Ginans*.

realpatidar.com

https://archive.org/details/bk1249/page/n59/mode/1up

their religious identity aligned with being Sunni or Shi'a, and within the latter, whether the nature of that practice was consonant with Ithna 'Ashari or Ismaili Shi'ism.

realpatidar.com

This question, somewhat precipitated by the modernist question of religious identity cast new light on the ways in which the Pirs were imagined. It was not only Pir Sadr al-Din's identity that was questioned but also that of one of his descendants Sayyid Imam Shah, who gave rise to a religious community who also subscribed to the Satpanth worldview and was once amalgamated with the Khojas, but who eventually became known as Imamshahis.[90]

After the 1866 case, as those Khojas who sided with the Aga Khan began to more formally recognize the lineage of Imams associated with the Shi'a Ismaili lineage, a palpable shift in focus and power began to emerge. For one, the Imam was now on Indian soil and amidst the Khojas. This afforded the Aga Khan more intimate involvement in the lives of the communities that he guided. While this was beneficial to many, it agitated others and resulted in both detractors as well as virulent voices of opposition. In an age of increased access to print and increasing access to English

[90] Moir and Khan, "New Light on the Satpanthi Imamshahis of Pirana"; Khan, "Liminality and Legality: A Contemporary Debate Among the Imamshahis of Gujarat"; Khan, "Rewriting the Ginans: Revolution and Resistance among the Imamshahis"; Imtiaz Ahmad and Helmut. Reifeld, eds., *Lived Islam in South Asia : Adaptation, Accommodation, and Conflict* (Social Science Press, 2004). On my visits to the shrine of Sayyid Imamshah in 2005 and 2013, it was clear that many of the Muslim markers of identity once associated with the figure were being erased in preference for Hindu ones. The images that circulated now showed him dressed in the cloak of an Indian guru rather than the silks of a Persian *sayyid*. The Persian epigraphy that once adorned his shrine complex was scratched out leaving only the Gujarati. The *ginan*s were now called *bhajan*s and the *[jamat]khana*s of the main group had taken names such as *mandir*.

realpatidar.com

https://archive.org/details/bk1249/page/n60/mode/1up

amongst the native populations of British India, the press found itself populated with

realpatidar.com

Khoja voices, often of dissent, against the Aga Khan.[91]

Some of this dissent emerged from what his opponents understood as his meddling in communal affairs. Where leadership was once in the hand of a select group of financially and socially elite Khoja magnates, it was now being threatened by the Aga Khan. Others were more critical of what they understood to be the Aga Khan's anti-modernist policies. Yet others opposed his requests for customary dues.[92]

Increasingly, however, the lives of the Ismaili Imams and their predecessors began to feature more prominently in the narratives and printed books of the Aga Khan's Khoja supporters. Stories of magic and flight in battle were replaced by victories through arms and intelligence.[93] Displacing the Pir's ability to outshine his fellow mystics was the recognition accorded to the Aga Khan by the British royal family and colonial officials. The Aga Khan himself also attempted to contribute to his historical remaking by penning an autobiographical work known as *Ibrat Afzā*.[94] The text, which drew upon his own Persian milieu, attempted to reclaim and amplify his own mystical abilities above and beyond his warrior accolades so that he too could compete in the religious marketplace of 19th century Bombay.[95] In the minds of his opposition, however, were

[91] Many of these are collected in *A Voice from India. Being An Appeal to the British Legislature By Khojahs of Bombay Against The Usurped and Oppressive Domination of Hussain Hussanee Commonly Called and Known as "Aga Khan" Now Resident in London*.
[92] A range of these are listed in 1866 and 1908 cases and include such titles as *lekha dasondh, chandraki,* and *sir bandi*. Arnould, *Judgment by The Hon'ble Sir Joseph Arnould in the Kojah Case Otherwise Known as The Aga Khan Case Heard in the High Court of Bombay During April and June 1866*; Russell, *Haji Bibi vs H.H. Sir Sultan Mahomed Shah*. They are also listed in the various "Rules and Regulations" documents. See for example, *Rules of the Shia Imami Ismailia Councils of the Continent of Africa*.
[93] Bose, *The Aga Khans*.
[94] Muhammad Hasan [Aga Khan I] Al-Husayni, *'Ibrat-Afzā* (Bombay: n.p., 1862).
[95] Green, *Bombay Islam*.

realpatidar.com

https://archive.org/details/bk1249/page/n61/mode/1up

multiple voices claiming that the Aga Khan had misused, if not, abused his power.[96] For the majority of the Khojas, the Pirs were still sacred since they were separated by the vestiges of time and considered their religious progenitors. Furthermore, attributed to them were the authorship of the *ginan*s, sung poetry which the Khojas continue to recite as part of their daily religious gatherings. The Aga Khan, however, was more difficult to situate. For one, until 1866 he wasn't accorded the same status as that of the Pirs. His absence in distant Persia had meant that his authority was mediated by his representatives and potentates, the Pirs. So when he entered Bombay in the 1840s and announced his position, neither his manner nor his person were aligned with the ways in which the Khojas imagined sacred authority. Dressed in the clothing of a Persian and cloaked in the aura of a warrior, the Aga Khan may have challenged the concepts and categories of authority germane to the Khojas until now.[97]

realpatidar.com

The 1866 Khoja Equity Case was instrumental in the way that it provided the Aga Khan with a history – a history which was for one, geographically located outside the Subcontinent in the distant lands of Arabs and Persians. This was fine while the Aga Khan was away, for then Persia could still be imagined through the lenses of the Indic worldview as it appeared in and through the *ginan*s. However, after his arrival that imagination was sullied by the reality of the person himself. An idea given form is often

[96] Examples include varied pieces such as *A Voice from India. Being An Appeal to the British Legislature By Khojahs of Bombay Against The Usurped and Oppressive Domination of Hussain Hussanee Commonly Called and Known as "Aga Khan" Now Resident in London*; Khaki, *Gupt Panth Kā Shajara*.

[97] Furthermore, the language of the *ginans* also created a further ambiguity as to who one was giving their allegiance to. God, the Imam and Pirs, in many ways were conflated through the language and the mythical universe which some of the *ginan*s presented. Words such as *guru*, *hari* were by their nature ambiguous.

realpatidar.com

https://archive.org/details/bk1249/page/n62/mode/1up

less potent than an idea unrealized for it limits the ways in which we engage with the Real.

realpatidar.com

In the next chapter, we explore the ways in which tradition can become the site for exploring Khoja selfhood and to better understand what might have been happening in the 1866 case. By employing the writings of MacIntyre and Asad, we are able to explore a series of tools and interrogations which help us to think of tradition as it relates to the Khojas in meaningful ways.

realpatidar.com

https://archive.org/details/bk1249/page/n63/mode/1up

Chapter 4: Interrogating Tradition

realpatidar.com

> [Tradition] is a not yet completed narrative.
> Alasdair MacIntyre, *After Virtue*

> …it is not by accident that "tradition" and "treason" have a common etymology.
> Talal Asad, "Thinking About Tradition, Religion and Politics in Egypt Today"

Almost all studies of the Khoja Case to date have hinged their analysis on the court decision and the arguments put forth by the various lawyers and counsels representing the Aga Khan and the Khojas. Very little, if any, attention has been showered upon the rich testimonies proffered by Khojas involved in the case as a means of understanding the variegated textures of Khoja self-understanding and representation. While the case's verdict forever changed the fate of the Khojas and set in motion a series of forces that would rearrange the Khoja collective into a conglomeration of communities with different destinies, it is the verbal testimonies that give us an insight into the ways the still integrated body of Khojas understood themselves. Identity was a preoccupation of the colonial courts and the fulcrum by which to determine how the properties and trusts of the caste should be divided and governed. In particular, the courts weighed upon whether the Aga Khan, who sat outside the caste but claimed the traditional loyalty of most of its members, had rights to those trusts. So, while heuristic in its purpose, the question of identity became the focus of the Khoja Case.

How then are we to make sense of the various positions and narratives of the Khojas that were put into conversation with one other during the lengthy trial? Were

realpatidar.com

https://archive.org/details/bk1249/page/n64/mode/1up

each of the parties simply opportunistic in their attempts to gain or retain the assets of the caste or were these genuine pleas and claims to inscribe upon it the truest identity in an environment in which the constituents of "Khoja-ness" were being contested? In what ways did tradition serve the goals and ends of the two parties and how was that tradition understood, situated and negotiated? In short, what was the role of tradition in the Khoja Case and what is tradition's relationship, in the context of the debate, to community and to history?

realpatidar.com

While the term tradition is never formally drawn upon in the case as a site of inquiry, it is arguably what is being debated through the acts and artifacts of everyday life, which are described in the speech acts and descriptions of the various individuals who came forth as witnesses. It is also debated in the attempt to situate these local acts into extra-local narratives that transcend these experiences. In both these instances, tradition is at the mercy of context, with each party providing one layer of its make-up.

In addition to each party representing a communal position or standpoint as to the identity of the Khojas, they are also promulgating a way by which to populate the container of "Khoja-ness" with a set of verifiable acts or narratives which will indefinitely associate it with the existing traditions of Sunni or Shi'a Islam. What Khoja means and what it means to be a Khoja became discursive exercises in the theatre of the colonial court, adjudicated by Justice Arnould.

Arguably, it was the constitution of tradition which was on trial. And in determining the veracity of each party's claim to Khoja tradition, that identity – the most serious of the questions in the case – was being decided.

realpatidar.com

https://archive.org/details/bk1249/page/n65/mode/1up

Tradition, while debated, remains a steadfast companion in the case, attendant to all parties. In the annals of academic discourse, there is a significant body of research that explores the concept and idea of tradition. However, the literature is dispersed across many disciplines, each of which situate and position tradition in a variety of ways. Most common amongst these is the notion of tradition in opposition to the modern. Tradition, in these models, is associated with an antiquated past or set of practices which belong to a world which precedes the onset of modernity. Nevertheless, elements of traditional practice have somehow survived and pierced through the canvas of modernity, which is often understood to be an all-encompassing totality that erases all semblance of anything that precedes it.[98] This understanding of tradition, situated in an adversarial relationship with modernity, undermines its potency, and assigns to it a negative value in which loss is often the desired outcome. Oftentimes, it is also ascribed agency, in and of itself, rather than in, and through, the acts and institutions of people living their lives.[99]

realpatidar.com

When it is used to preface certain acts and concepts, such as “marriage,” the “traditional” is often seen as being old-fashioned, or increasingly as a critique by liberalism and modern secularism whose notions of marital union are aligned with the

[98] In the context of Muslim tradition and practice, there are several studies that challenge this assumption of modernity as all encompassing and erasing tradition. See for example, Jaroslav Stetkevych, *Muḥammad and the Golden Bough : Reconstructing Arabian Myth* (Bloomington: Indiana University Press, 1996); Katherine Pratt Ewing, *Arguing Sainthood : Modernity, Psychoanalysis, and Islam* (Duke University Press, 1997); Mohammed A. Bamyeh, *The Social Origins of Islam : Mind, Economy, Discourse* (Minnesota: University of Minnesota Press, 1999).

[99] See for example the critique of Saba Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject* (Princeton, NJ: Princeton University Press, 2011) in Sumuli Schielke, *Second Thoughts about the Anthropology of Islam, or How to Make Sense of Grand Schemes in Everyday Life*, *Working Papers*, 2010, accessed March 13, 2017, https://www.zmo.de/publikationen/WorkingPapers/schielke_2010.pdf.

realpatidar.com

https://archive.org/details/bk1249/page/n66/mode/1up

values of evolution and development. Tradition, on the other hand, provides "marriage" with a home, embedding it within a history, as an institution, that has its own heritage, proponents and philosophy. Modernity, on the other hand, critiques the long legacy of marriage of being stagnant and changeless and not adapting to the realities of relationships in the contemporary west and elsewhere.

realpatidar.com

Talal Asad, the anthropologist and postcolonial theorist, provides a correction to the ways in which tradition can be seen. He says,

> I think that one needs to recognize that when one talks about tradition, one should be talking about, in a sense, a dimension of social life and not a stage of social development. In an important sense, tradition and modernity are not really two mutually exclusive states of a culture or society but different aspects of historicity. Many of the things that are thought of as modern belong to traditions which have their roots in Western history. A changing tradition is often developing rapidly but a tradition nevertheless.[100]

For Asad, Islam is a discursive tradition, not a monolith or static entity prescribed by a single text or experience; nor is it frozen in time. Rather, it is constantly being made and remade through its practitioners. Like Asad, a growing body of theorists have problematized the idea of tradition and reinvigorated its value and place in contemporary discourse. By drawing upon their contributions, we benefit from a commentary upon the narratives and experiences of the Khojas to better understand and make sense of the implications of what occurred in that fateful courtroom in 1866.

In *After Virtue*, the intellectual historian and philosopher Alasdair MacIntyre presents us with a model of justice akin to a recently found archaeological site. As we

[100] Saba Mahmood, "Interview with Talal Asad: Modern Power and the Reconfiguration of Religious Traditions," *SEHR* 5, no. 1 (n.d.), accessed March 15, 2017, http://web.stanford.edu/group/SHR/5-1/text/asad.html.

realpatidar.com

https://archive.org/details/bk1249/page/n67/mode/1up

examine its dilapidated buildings, orphaned columns and etched floors now stripped of any color or context, we are not able to read from it anything that gives us a sense as to its origins or meanings, nor deduce from it its purpose or form. Others around us also look at the same objects as we do, attempting to piece together the puzzle the present, each their own detective with a different theory. As we look more closely at the strata, we realize that the structures do not belong to one building, but to many. They are not neatly ordered as we might expect of a complex, neighborhood or city, but chaotic remnants and layers whose disjointed charms appeal to each observer and dispensers of justice in different ways; each pulling from its ruins, fragments in search of a once cohesive whole.

realpatidar.com

Justice, MacIntyre argues, is not a cohesive set of principles whose rationality comes from one period in time, or from one intellectual tradition, but rather draws upon the intelligence and logic of various traditions. It is a bricolage, which has lost its cohesion as we are distanced from its source; but we can take solace in knowing that it once operated within a rationality and logic from which it was generated and which continues to perpetuate it. Today, the act of selection from the ruins of these many traditions that constitute justice, leaves us at risk for moral relativism, which denies us the rationality and bulwarks that a single tradition provides. This is a strong critique of the liberal ideas of individuality and universality which the Enlightenment sets into motion.

For MacIntyre, tradition in its most perfect form, lies in the virtue ethics of Aristotle. In this model, tradition is a set of ethical conceptions in which the question

realpatidar.com

https://archive.org/details/bk1249/page/n68/mode/1up

"what is good" is being asked by those within a tradition. In this vision, a community places importance on a collection of moral goods rather than conceiving tradition as meeting an end. Each set of actions or practices, then, is oriented and evaluated in alignment with obtaining those goods. Therefore, practical justice and rationality make sense only within the confines of a specific tradition.[101]

realpatidar.com

Seven years later, MacIntyre elaborated upon those arguments in *Whose Justice? What Rationality?* but chose to narrow his enquiry somewhat. More of a study in intellectual history than a philosophical exploration, the focus of *Whose Justice?* lands on the concepts of tradition and particularly upon the relationship of tradition to practical reason. Simply put, practical reason for MacIntyre is the process by which we work out what we do. Since tradition is constituted by practical rationality and a conception of justice, there are no ideas of practical justice that are not related, in some way or another, to some tradition. In this way, rational enquiry is, and must be, conducted from within a tradition, and therefore from within a community. A tradition begins to wither when it ceases to support further inquiry.

While debates about Khoja identity took place internally, within the institution of the Khoja council that identity was determined in the decisions made about social practices such as marriage, these disputes took on a public character after the arrival of the Aga Khan to the Subcontinent.[102]

---

[101] A MacIntyre, *After Virtue: A Study in Moral Theory*, 3rd Editio. (Notre Dame, IN: University of Notre Dame, 2013).

[102] Allurakia Soomar, Mukhi of the Bombay Jamat at the time of the Khoja suit spoke about the ways the disputes in the *jamat* were handled. He noted, "If there is any difference of opinion those who differ are argued with, and when they are persuaded the matter is carried…. In the Jamat, all people are equal together. The business of the meeting is opened by the Mukhi, after he has consulted with the Kamaria….

realpatidar.com

https://archive.org/details/bk1249/page/n69/mode/1up

Since they couldn't be resolved in the private spaces of communal discourse, they were pushed out into the civic arena where two conceptions of power were brought into conversation with each other – the power of the singular Imam, represented by the Aga Khan, and the power of the collectivity of the Khojas, represented by the *jamat*. The power of the Aga Khan was derived from his saintly lineage and increasingly by his colonial acknowledgement; the power of the Khojas recognized their mercantile prowess, and until recently, by their model subjectivity under the British Indian crown. The acridness of this power dynamic whose see-sawing was documented in the newspapers was now being mediated by a third power – that of the colonial court – who saw both the Khojas and the Aga Khan as colonial subjects of the British crown.

realpatidar.com

The social practices once subservient to a tradition were now layered with religious intent and communal identity. Each act was now associated with Sunni or Shi'a Islam, rather than situated as a Khoja practice. Represented by one end of the power spectrum, the Aga Khan on one side and the Khojas who challenged his authority on the other.

If tradition involves, as MacIntyre argues, claims to truth, it must also inform the lives of its adherents. Therefore, it must constantly be debated and interrogated. Even if

A decision is arrived at, after the different members of the jamat have stated their opinions, if there is a different of opinion the matter is discussed, and the people must come to an agreement. I never remember any division taking place…When the Jamat assembles, all the members of the caste may come. I never knew of a case where the people holding different opinions to those in favour of the business to be discussed, attended. No opposition takes place in the jamat." By this time, the Mukhi and Kamadia were already appointed by the Aga Khan, "and in his absence, by his agents, who consult with the jamat. The agents are Khojahs…" "[Testimony of Allurakia Soomar]," *The Times of India* (Bombay, June 15, 1866), 3.

realpatidar.com

https://archive.org/details/bk1249/page/n70/mode/1up

the practices and rationality that constitute it remain constant, the discourses about and around tradition can change over time. Reflective traditionalism, then admits the need for change while insisting on the demands for continuity.[103] According to at least one commentator of MacIntyre, historically observable traditions change, or evolve, through attempts to return to their origins.[104]

realpatidar.com

Tradition then is not only composed of a set of historical and cultural facts but also a system of beliefs, informed and defined by authoritative texts that are transmitted from one generation to another. However, we often don't know a tradition while we are ensconced within it. Traditions are recognized most forcefully in conversation with other traditions and at moments of crisis. As a result, they are often defined retrospectively. Tradition, for MacIntyre is, "an argument extended through time in which certain fundamental agreements are defined and redefined."[105]

MacIntyre's study has many implications in the study of the Khoja Case and for the internecine challenges that the Khojas were facing. In 1847, when the Khojas and Memons were brought before the court to decide whether their customary law or the Qur'an should govern their practices of intestate succession, Judge Erskine Perry decided in favour of the age-old practice of custom over the divine word of the Qur'an.

In this way, the "text" of custom was ascribed greater value than the "text" of the Qur'an. The local social practices of the Khojas were located within an equation in

[103] MacIntyre, *After Virtue: A Study in Moral Theory*.
[104] Philip Devine, "The Concept of Tradition: A Problem Out of MacIntyre," *Reason Papers* 35, no. 1 (2013): 107–123, https://reasonpapers.com/pdf/351/rp_351_9.pdf.
[105] A MacIntyre, *Whose Justice? Which Rationality?* (Notre Dame, IN, IN: University of Notre Dame, 1988).

realpatidar.com

https://archive.org/details/bk1249/page/n71/mode/1up

which they were privileged over a universalized text which seemingly applied to all Muslims in all times and places. Khoja custom was validated and therefore so was the rationality from which it emerged. The power matrix of the caste also tended to privilege men over women and this configuration validated the custom represented by men over and above the Qur'anic text represented by women.

realpatidar.com

The Aga Khan, a newly arrived subject of the British Indian Empire also sided with the women in the trial who argued that the Qur'an gave rights of inheritance to women.[106] In the tradition the Aga Khan was most familiar with, it was the rationality of the Qur'an that should be appealed to. As it happened, he sided with a practice that gave Muslim women more legal rights and obligations than Khoja custom did. However, as an outsider advocating a practice that challenged custom, his pleas also went unheard. At a time when the Aga Khan's religious power had not yet been conferred upon him by the courts or British Indian society, his appeal to Qur'anic rationality didn't swing the court's decision in his favour.

While it is difficult to locate exactly how and why Qur'anic consciousness may have entered or been entertained by certain segments of the Khojas, we know that as they urbanized and settled in Bombay, those that arrived from Kutch and Kathiawar, some of the earliest of the migrants, lived alongside Hindus and may preserved practices that were aligned with those of their neighbours. In Bombay, the Khojas, regardless of where they came from, settled and lived in Muslim areas in the native town and through

[106] "Judgment of the Hon'ble Sir E. Perry, Kt. Delivered 11th October 1847"; Hickling, "Disinheriting Daughters: Applying Hindu Laws of Inheritance to the Khoja Muslim Community in Western India," 37.

realpatidar.com

https://archive.org/details/bk1249/page/n72/mode/1up

their interactions may have been exposed to the social practices espoused by the Qur'anic text.

realpatidar.com

In this case, the Khoja women, arguably inhabited two traditions simultaneously, each with different founding "texts." The social practices of the caste comprised an oral text that demonstrated itself through the practice of disinheriting daughters. The text that informed their right to inheritance was the Qur'an, also once oral but now committed to writing. This admittedly hadn't been part of the Khojas' experience of Islam until recently, at least not in this way of providing instructions on how to lead one's life. How then do we make sense of the role of tradition in this case? On one hand, we can argue that the tradition of the Khojas and the tradition embodied in the Qur'an were two distinct entities and belonged to two different experiences and rationalities that comprised Islam. In the court case, they intermingled and overlapped, and yet the court gave primacy to one over another. Drawing upon another model, we can argue that as Muslims, the Qur'an and the customary social practice of the Khojas belonged to a single tradition or sub-traditions of Islam, which were at odds with each other. Despite these different conceptions, we see that ethnographically, both conceptions of justice and tradition – one found in the Qur'anic text and the other is social custom – were available to the Khojas to draw upon. One represented continuity with the past while the other represented a break from the past but more closely aligned them with the symbols and identities of their Muslim co-religionists.

In 1850, Judge Erskine Perry found himself once again at the helm of another case involving the Khojas. This was the first attempt by a group of Khojas in a court of

realpatidar.com

https://archive.org/details/bk1249/page/n73/mode/1up

law to challenge the Aga Khan through formal legal means. In a precursor to the 1866 case, the Khojas of the opposition party argued that the caste properties, and the decisions therein involving them, belonged solely to the discretion of the Khojas and were not a prerogative of the Aga Khan, not being a Khoja or member of that caste. The Khojas again appealed to the Judge to privilege their age-old practices. In every instance, he sided with the rationality of custom, championing the Khoja position and challenging the encroaching move of the Jamat and the influence of the Aga Khan to decide upon Khoja marriages. Instead, he re-inserted decisions around these practices back into the hearth of the family, and re-empowered them to make decisions about their sons and daughters.[107]

realpatidar.com

In short, the rationality and intelligence that created the Khoja caste and its practices were honoured in relation to ones embedded in the Qur'an, which while older than the caste, offered distinct alternatives to its current practices. While the logic of caste choices is not entirely clear nor entirely rescuable, what is clear is that the well-being of the caste and its individual members were the prime concern and basis for this logic. Customary tradition was conceived by the judge as having the best interests of the caste as its foundation, unlike the Qur'an which had been, until now, removed from Khoja experience.

[107] "Supreme Court Equity Side: Judgement of the Court in the Khoja Case."

realpatidar.com

https://archive.org/details/bk1249/page/n74/mode/1up

Islam as a Discursive Tradition

realpatidar.com

How are we then able to make sense of the role of tradition in the lives of 19th century urbanite Khojas of Bombay? What is its role in defining Khoja selfhood in the wake of their new circumstances?

Talal Asad defines tradition as being constituted by:

> discourses that seek to instruct practitioners regarding the correct form and purpose of a given practice that, precisely because it is established, has a history. These discourses relate conceptually to *a past* (when the practice was instituted, and from which the knowledge of its point and proper performance has been transmitted) and *a future* (how the point of that practice can best be secured in the short or long term, or why it should be modified or abandoned), through *a present* (how it is linked to other practices, institutions, and social conditions). An Islamic discursive tradition is simply a tradition of Muslim discourse that addresses itself to conceptions of the Islamic past and future, with reference to a particular Islamic practice in the present.[108]

Reflecting upon his writings years later, Asad summarizes his thought on tradition in two ways. The first as "a theoretical location for raising questions about authority, time, language use and embodiment" and the second as "an empirical arrangement in which discursivity and materiality are connected through the minutiae of everyday life."[109] He continues the arguments made by MacIntyre but, drawing upon Foucault, also emphasizes the importance of power and authority in his writings.[110]

[108] Talal. Asad, "The Idea of An Anthropology of Islam," in *The Social Philosophy of Ernest Gellner*, ed. John A. Hall and Ian Jarvie (Atlanta: Rodopi, 1996), 398.
[109] Talal Asad, "Thinking About Tradition, Religion and Politics in Egypt Today," *Critical Enquiry* 42, no. 1 (2015): 166–214, accessed February 26, 2017, http://criticalinquiry.uchicago.edu/thinking_about_tradition_religion_and_politics_in_egypt_today/.
[110] T Asad, *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam* (Baltimore, MD, MD: Johns Hopkins University Press, 1993); Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject*; Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Palo Alto: Stanford University Press, 2003).

realpatidar.com

https://archive.org/details/bk1249/page/n75/mode/1up

For Asad, then, tradition is discursive in that it is constituted in conversation with dimensionalities of time and social practice. It is woven together through the relationship of a practitioner or practitioners with a social or religious practice that can be located in the past.[111] Tradition also emerges through and within the practitioner's orientation towards a text, in his or her position as reader.[112]

realpatidar.com

A tradition, by its nature, is not an abstract entity, but a form of learning that is embodied. It is not something that just links the past with the future through the present, but rather makes the past contemporary through the acts themselves.[113]

In contrast to the identity being sought for the Khojas, one based on the traditions of Shi'a and Sunni Islam, the identity of the western tradition is not questioned during the court's proceedings. Here, the moral reach of the colonial state is predicated upon the west as a superior tradition which connects a tenuous but persuasive line from the Greeks and Roman to the Hebrews and early Christians right through to modern Europe. Although disconnected in geography and discontinuous in time, tradition here is about inheriting a past built upon the Reason of many cultures.[114] In the case of the state, that hegemony is executed via the tools of the judicial system and the means by which tradition is negotiated for and on behalf of Khoja subjectivity.

[111] Ibid.
[112] Ibid.
[113] Talal. Asad, *Genealogies of Religion : Discipline and Reasons of Power in Christianity and Islam* (Baltimore, MD: Johns Hopkins University Press, 1993); Asad, *Formations of the Secular: Christianity, Islam, Modernity*.
[114] Talal. Asad, *Genealogies of Religion : Discipline and Reasons of Power in Christianity and Islam* (Baltimore, MD: Johns Hopkins University Press, 1993), 18.

realpatidar.com

https://archive.org/details/bk1249/page/n76/mode/1up

In ascribing a tradition for the Khojas, however, the court similarly draws upon a past which is also dislocated from a single geography but tries to show a continuity of and time and institution. A reasonable past for the court posits a lineage of Ismaili Imams that draws upon a history of Ismailism as it entered and exited Empire and negotiated persecution at several times during its 1300 year past. This tradition is a relatively new one in that it has been patched together by orientalist writers who are called as textual witnesses to the court, made present in room through their written words.

realpatidar.com

However, when presented against a reading by the Barbhai Khojas, those opposed to the Aga Khan, the judges weren't swayed by the arguments of an embodied or an affective tradition in which the body or emotion carried narrative value as a way of connecting a Khoja past to the present. As the Barbhai Khojas searched for elements of their daily lives that would shed light on their identity – bodily comport, prayer and institutions, they also drew upon elements outside the religious sphere.[115]

For the Khojas, it is tradition then that bears truth. But which tradition and which rationality should be drawn upon? Is it the tradition embodied in myth such as those of the *ginan*s.[116] Is it the tradition that finds expression in communal values and

[115] This approach is taken by Schielke, *Second Thoughts about the Anthropology of Islam, or How to Make Sense of Grand Schemes in Everyday Life* who feels that the anthropology of Islam is too concerned with Islam and rather should be embedded in the broader human lives of the Muslim. He asks the pertinent question, why is the anthropology of Islam so concerned with Islam vis-à-vis the anthropologies of Hinduism or Christianity? Why in its self-reflexivity does it not embed Islam in the extra-pietic dimensions of daily life?

[116] See the work for example of Shodhan, "The Entanglement of the Ginans in Khoja Governance"; Purohit, "Reading Global Islam Through Messianic Renewal In Dasavatar"; Sheikh, "Religious Traditions and Early Ismaili History in South Asia: Some Historical Perspectives on Satpanthi Literature and the Ginans"; Purohit, *The Aga Khan Case: Religion and Identity in Colonial India*. In these studies, we see the

realpatidar.com

https://archive.org/details/bk1249/page/n77/mode/1up

institutions of the Khoja caste such as the school, hospice, *masjid* and *jamatkhana*? Is it the tradition which draws upon social acts and practices? Throughout the Khoja Case, there are different aspects of Khoja rationality that are held responsible for truth. Myth is considered a bearer of truth safeguarded in the *ginan*s and their performance; history is considered a bearer of truth memorialized in the lives of the Pirs whose names are part of the liturgical practise of the Khojas; bodies are also considered bearers of truth in that they remember and witness ancient acts through their repetitive and mundane actions which link and bridge temporality and conviction; institutions too are bearers of truth in that they enshrine the values and aspirations of a community. Which elements of the past to raise or privilege to the status of tradition was a question determined by a court of law.

realpatidar.com

Two events catalyzed the process of debating tradition. The first was the arrival of the Aga Khan to Bombay. Whilst a Muslim claiming authority for the caste, he belonged in Khoja consciousness to a different category – that of a *sayyid*, the same category in which Pir Sadr al-Din, the founder of the Khojas was also a member. The second was based on the Aga Khan's own experiences and cultural background, his recent struggles and his family lineage. He too was exposed to a different tradition of Islam, with different founding texts and experiences. In Bombay, these two traditions, although vying for the same "moral goods", came under conflict and to a head. It is

way the rationality of the *ginan*s, and that of a single text, the *Das Avatar,* or Ten Incarnations, is furnished to demonstrate the Khoja's Hindu past and unfinished conversion.

realpatidar.com

https://archive.org/details/bk1249/page/n78/mode/1up

unclear whether each tradition extolled the same virtues, but we do know that they did not value the same ends.

realpatidar.com

The second element was the role of the court in determining Khoja tradition. While the 1847 and 1850 cases adjudicated by Chief Justice Erskine Perry favoured Khoja social practices anchored by Khoja history and encapsulated by custom, the 1866 case whose oversight was under the watch of Judge Joseph Arnould leant in favor of a sweeping global history of the Ismaili Imams from which the authority of the Aga Khan superseded any other tradition.

Tradition was initially argued in several ways through the proceedings of the court – the most forceful of the early arguments, made by those Khojas who opposed the authority of the Aga Khan, was that the religious identity of their founder-Pir, a semi-mythical figure by the name of Sadr al-Din, was a Sunni Muslim and a descendent of Prophet Muhammad. Those that sided with the Aga Khan felt otherwise, and anointed the Pir as a Shi'a Muslim. The argument was made many times over: whatever religion the Pir subscribed to must be the religion of the Khojas.[117] Known simply by its Indic appellate Satpanth, the religion of the Khojas was not what was debated. It was taken as a social fact bound by the uniform testimonies of the various Khojas that were brought to the stand. What was in question, however, were the communal categories, with which Satpanth was most aligned.

[117] Arnould, *Judgment by The Hon'ble Sir Joseph Arnould in the Kojah Case Otherwise Known as The Aga Khan Case Heard in the High Court of Bombay During April and June 1866*.

realpatidar.com

https://archive.org/details/bk1249/page/n79/mode/1up

As a way of dispensing of its Hindu overtones, as read by the colonial officials and the Aga Khans, the source material or texts of Satpanth, the *ginan*s, were read as conversion texts which incorporated both the original religion of the Khojas as well as the new religion they were adopting.[118] Singular figures – Vishnu was associated with Hinduism, while Ali was ultimately associated with Shi'a Islam by the judge. The social practices and institutions of the Khojas – marriage, the *masjid*, funeral ceremonies complicated the matter further as they were associated with Sunni Islam and Sunni practitioners. In effect, the meeting of three different traditions: Sunni Islam, Shi'a Islam and Hinduism were brought into conversation in the Khoja Case. Once part of a whole, each strand, now teased out, labelled and objectified.

realpatidar.com

In 1866, the lawyers defending the Aga Khan, further argued, that given the climate of persecution of the Ismailis, who the Aga Khan asserted the Khojas and their religion Satpanth were aligned with, had required a conscious dissimulation of their 'religious identity in order to protect themselves. As a tool of safety or perhaps conversion, the Khojas and the authors of the *ginan*s resorted to this strategy for their survival, obfuscating one tradition by creating another. These texts, however, dug their heels into the soil of Khoja selfhood. Their recitation persisted amongst the Khojas and eventually took on a sacred character.[119]

[118] Purohit, "Reading Global Islam Through Messianic Renewal In Dasavatar"; Purohit, *The Aga Khan Case: Religion and Identity in Colonial India*.

[119] While many works deal with taqiyya as a strategic tool, a number of works explore it in practice. See for example, Virani, "Taqiyya and Identity in a South Asian Community"; Khan, *Conversions and Shifting Identities: Ramdev Pir and the Ismailis in Rajasthan*.

realpatidar.com

https://archive.org/details/bk1249/page/n80/mode/1up

Oral texts such as the *ginan*s and other sacred recitations of the Khojas, which

realpatidar.com

Judge Arnould later equated as a tool of conversion, blatantly included elements which drew upon Hindu mythological figures as well as prophetic episodes from the Qur'an. As a result, they were seen as problematic in the caste's understanding of itself as Muslim. Likewise, social practices and institutions such as the *namaz* or *salat,* the canonical Muslim prayer and the *masjid* were associated with Sunni Muslim practices by the plaintiffs. Other institutions such as the *jamatkhana* and the *du'a*, the Khoja canonical prayer, were not associated with Sunni Islam and therefore attributed as practices of Ismaili Shi'ism.

Less ambiguous texts such as the orientalist histories presented in court associated the Khojas with the Ismailis and their leadership with that of the Aga Khan, the inheritor of a long line of predecessors who had acted in the capacity as Imam of the Ismailis. Even though these texts fell outside Khoja experience and tradition and were part of the production of European orientalism and its penchant for the exotic, they were given more weight and eventually provided the evidence to clear the ambiguity inherent in traditional Khoja texts, social practices and institutions. In this way, the tradition of the Aga Khan and the Ismailis claimed a victory over that of the Khojas. While the Jamat had authority over the caste, the Aga Khan had authority over the community. The Khojas own traditions were viable in the context of caste. However, the Aga Khan's jurisdiction included that of the Ismaili community which the judge now understood the Khojas to be a part of. The authority and person of the Imam became the new text by which the Khojas were set to abide. Those who felt otherwise

realpatidar.com

https://archive.org/details/bk1249/page/n81/mode/1up

eventually formed their own communities and aligned themselves with other elements of the tradition that carried more meaning for them – social practices and institutions. From these, emerged the Khoja Sunnis and later the Khoja Ithna Asharis. In each of the new communities that had been formed, their relationship to text, social institutions and religious practices had changed. While once being able to draw upon a rich and variegated past, they were now relegated to pulling out from that past, elements that privileged a particular identity and were deemed part of the global tradition that they now saw themselves as included within.

realpatidar.com

All three groups found that certain pervasive elements that tied them to their caste, including their origin stories, persevered. However, in each case, the new entities, chose to fuse those elements associated with the Khoja understanding of itself to the broader notion of community – a category which superseded caste and had global implications. The traditions of all three groups, while drawing upon a common history and set of practices, were now being amalgamated into the traditions of others – Ismailis, Sunnis and Ithna Asharis. The Khoja Case had, in effect, demonstrated that tradition was not continuity, but a rupture with the past. In time, each Khoja tradition would be brought into concert with the global and communitarian histories of Islam and in doing so, slightly displaced an older tradition. It is these various ruptures to the singular narrative of tradition which caused them to embark upon different courses. The beauty of Khoja selfhood in the 19th century is that while it challenged caste cohesion, it allowed its past and tradition to be read in a multitude of ways. Rather, Khoja selfhood eschewed the dogmatic and the prescriptive, inviting varied readings of the past.

realpatidar.com

https://archive.org/details/bk1249/page/n82/mode/1up

In the context of both caste and community, tradition is a feature that links author and reader. However, in the working out of tradition, disagreements often arise. When adherents disagree, they often look to tradition to determine what is stable and unwavering, core elements that define its very being. They also look at the periphery of tradition, which is where disputes often take place, in order to look for those elements which are more mutable. When a resolution can't be reached, as is often the case in a court of law, a community begins to break at the seams and a fissure or schism is fomented ultimately resulting in two related but distinct sub-traditions.[120]

realpatidar.com

While MacIntyre's study of tradition has enriched the ways in which we can look at the Khoja Case, it also leaves us with several unanswered questions. How, for example, do practices combine to form a tradition? How does a community sustain traditions over time? If tradition includes movement and change, then how do we locate the normative within tradition? And who should be entrusted to locate the normative within a community's tradition?

While Asad continues where MacIntyre leaves off, we are still not sure how a text acquires authority within a tradition.[121] In the Khoja Case, how do the *ginan*s but not the Qur'an require prominence? When does one text, if at all, displace another text? What do the processes of displacement look like? For example, how is it that the "text" and authority of the Aga Khan supersede the text of the *ginan*s and authority of the

[120] Devine, "The Concept of Tradition: A Problem Out of MacIntyre."
[121] See for example, the work of Brinkley Messick, *The Calligraphic State : Textual Domination and History in a Muslim Society* (Los Angeles: University of California Press, 1993) who in his study of South Yemen looks at the ways in which the Qur'an anchors itself in the processes of society.

realpatidar.com

https://archive.org/details/bk1249/page/n83/mode/1up

Jamat? How does debate and a tradition's discursive nature lay upon the matrix of social and economic power present in the judicial authority of the colonial court, the religious authority of the Aga Khan, and the customary authority of the Khoja caste? How do these various strands of power prevail within the new communities who incorporate the institutions representing each authority within its constituency?

realpatidar.com

In the Khoja Case, it is precisely upon examining the tradition and social practices of the Khojas that these questions are brought to light. Their relationship with tradition is one that is complex and multi-layered. It is as much about the Khojas' relationship to the past, to modes of being and to social practices, as it is to questions about authority and governance. While often conceived as continuity, tradition can also be seen as a break from the past. While it involves discourse and debate, tradition too survives in subtle and overt ways in the creation of various communities. In the creation of the "west", a tradition which pulls together various intellectual strands, disassociated with one another, are seen to comprise the tradition. However, in the case of the 1866 trial, it is the persuasive argument of two expressions of power that sway tradition and narrative to the side of the Aga Khan. The first is the colonial court itself as the arbitrator of tradition. Rather than debate taking its natural course with the various proponents of that tradition wrestling to preserve its elements, the court fixes a narrative upon Khoja social practices. Secondly, the weight placed on the orientalist histories brought forth as evidence and history of the Ismailis – from a tradition outside the limits of reason and rationality for the Khojas and their Satpanth – situates Khoja

realpatidar.com

https://archive.org/details/bk1249/page/n84/mode/1up

tradition in different circumstances, subservient and part of yet another tradition, that of Ismaili Islam. What has anchored many Khojas until now, is now re-aligned.

realpatidar.com

The court, in its decision, displaced a multitude of co-existing traditions within the same caste with a singular tradition. It removed the discursive nature of tradition and its appeal to its own reason, represented by its practitioners, with an agency designated to it by the court. In this way, it not only broke the relationship with its past, it also broke, for many, its relationship with the caste. Tradition is arguably subservient to community and religion. For the court, however, these two sites become arenas in which identity is produced.

While the court case itself sets this new narrative into motion, it is unclear how influential or convincing it is for Khoja daily life outside the court room. For as we see in the next chapter, many of the practices on both sides of the Khoja divide seem to persist and erupt in conflict for decades after the case.

In the final chapter, we will explore the aftermath of the Khoja Case and the avenues its opens for further research.

realpatidar.com

https://archive.org/details/bk1249/page/n85/mode/1up

Chapter 5: New Traditions, New Identities

realpatidar.com

Of all the events in 19th century South Asia of relevance to the Khojas, the Khoja Case ruling has received the most attention in both communal and scholarly narratives second only to the Aga Khan's arrival into the Subcontinent.[122] The ripples of the 1866 suit continue to have impact today. However, like the transition from Mughal sovereignty to British rule in the Subcontinent, it was in its immediate wake that its implications were most viscerally felt. The most permanent of these was the eventual concretization of three formal identities for the Khojas, all qualitatively different from the tradition that produced them; each overlaid upon the categories of a global Islam that demanded changes in the ways these groups articulated and practiced their faith.

Similar to the dawn of the Islam in the seventh century, each group vied for a piece of the narrative strand, an anchor, which would allow them to make sense of both their present and past. Despite the fissure which separated past from present, *jahiliyya* from Islam, tribe from *ummah*, Islam and the religions practiced by the earliest Arabs drew upon the same *milieu* but took from it elements of continuity as well as accepted ruptures from that past. The Khoja Case of 1866, albeit with different forces at play, had a similar impact upon its constituents.

The first artifact was the development of the Khoja Sunnat Jamat, originally known by its Gujarati vernacular, the Barbhai or Twelve Brothers. In time this group

[122] See as examples, Purohit, *The Aga Khan Case: Religion and Identity in Colonial India*; Purohit, "Reading Global Islam Through Messianic Renewal In Dasavatar"; Kassam, *Songs of Wisdom and Circles of Dance: Hymns of the Satpanth Isma'ili Muslim Saint, Pir Shams*; *The Sunni Khojas: An Account of the The Khoja Sunnat Jamat*; Hollister, *The Shi'a of India*.

realpatidar.com

https://archive.org/details/bk1249/page/n86/mode/1up

increased in size and became a formal body with its own institutions, recognizing and celebrating its Khoja heritage but understanding that heritage as having always been aligned with Islam's Sunni interpretive school. The label which they now appropriated, provided a vocabulary and grammar to that conviction and placed them alongside others who were already part of an existing transnational community. Along with that newly articulated faith, came a desire to bring the Khoja Sunnat Jamat closer to the forms and institutions of their Sunni Muslim co-communalists. This meant looking outside the experience of Khoja practice, in certain cases, to ensure an alignment with the outward forms of that conviction. This included the more formal incorporation of a *masjid* into their religious practices, ensuring conformity with the *shari'a*, and in particular, that of the Hanafi *madhhab* observed in the Subcontinent. The Khoja Sunnat Jamat found themselves negotiating two desires: to remain distinct and embolden customary ties amongst themselves, i.e. with Khoja Sunnis, while simultaneously wishing to amalgamate into the broader community-of-practice associated with Sunni Islam which they now saw themselves as part of.[123]

realpatidar.com

The second identity to crystallize comprised those Khojas who gave allegiance to the Aga Khan, as Shi'a Muslims of the Ismaili persuasion. While the particular interpretive school of Shi'a Islam was to be brought into question again in the 1908 Haji Bibi Case, internal tensions had been already fomenting amongst the Khojas in the interregnum between these two trials.[124] As Shi'a Muslims, under the leadership of the

[123] *The Sunni Khojas: An Account of the The Khoja Sunnat Jamat*.
[124] Russell, *Haji Bibi vs H.H. Sir Sultan Mahomed Shah*. Some of these tensions are documented in the final chapter of this thesis.

realpatidar.com

https://archive.org/details/bk1249/page/n87/mode/1up

Aga Khan, the sacred texts of the community were no longer embodied exclusively within the corpus of *ginan*s, nor its decisions the sole prerogative of the Khoja Jamat – its council of internal decision makers – but rather subservient to the words and edicts of the Aga Khan and eventually his successor-Imams. Sacred authority once vested in the poetic renditions of deceased Pirs had been displaced by the authority of the very alive Aga Khan. Custom and customary law, still being debated in the British court system, was superseded for the Khoja by the Imam's *farman*s or pronouncements, privileged guidance aimed at Khoja betterment. What remained however was the semblance of the sacred past. For religious texts, such as the *ginan*s, continued to carry weight in the community alongside the religious authority of the Imams. The value of the sacred, however, was altered. While the sacredness of the *ginan*s persevered in their form, what became a casualty was the persuasiveness and weight of their content. Even a century-and-a-half later, they are still recited in the daily gatherings of Khoja Ismailis, and continue to connect Khojas with their past.

realpatidar.com

The result of the case for the Khoja Ismailis was definitive. Where once the Aga Khan attempted to insert himself into the world revered by the Khojas, the Khojas were now incorporating that very world into the universe put forward by the Aga Khan.[125] As

[125] When Aga Khan I arrived in the Subcontinent, Khoja practice involved the recitation of certain forms of sung poetry. Collectively these were known as *ginan*s and formed part of their liturgy. The authorship of the ginans were attributed to the Pirs. Sometime in the 19th century, likely before the arrival of the Aga Khan, a text known as the Kalaam-e Mawla began also to be recited by the Khojas. Unlike the *ginan*s it was in a different language, Hindustani, and its authorship was not ascribed to a Khoja Pir but rather to the first Shi'a Imam, Ali b. Abi Talib (d. 661), shared between the Ismailis and Ithna Asharis. Given that the Aga Khan was also referred to be the Khojas as Pir before the 1866 case, it is possible that he too attempted to insert himself and his authority in the framework of Khoja piety. The Kalaam-e Mawla text seems to have been brought back by Khojas after visiting the Imam in Iran sometime in the 18th or 19th century. Conversation with Amin Valliani, ITREB Pakistan, August 2013; Howard, *The Shia School of Islam*

realpatidar.com

https://archive.org/details/bk1249/page/n88/mode/1up

a result, the Khoja worldview was somewhat bent and contorted, so that it could be inserted into the already existing framework of Shi'a Ismailism, itself already embedded in the galaxy of global Islam.

realpatidar.com

This marriage of the customs and faith of non-Sunni Khojas with the authority of the Aga Khan and his ancestors was now cemented with significant consequences. The axis of the Khoja world was no longer India, but rather, wherever the Imam chose to reside. Similarly, the Khojas' Ismaili past was also impacted and now needed to be read differently. Not only were religious experiences from henceforth forever enmeshed within the relationship of the Khojas to the Nizari Ismaili Imam, but their history, situated against the landscape of the Subcontinent, was now made subservient to the history of the Imams, who until Aga Khan I, had no direct relationship with India.

Rather, the generations that preceded the Aga Khan's Imamat were geographically situated in Persia, Egypt, Ifriqiyya (Tunisia), Iraq and the Hijaz.[126] The result was that the complex and multidimensional history of the Khojas was slowly being displaced by a singular history which featured the Aga Khans and their predecessors, thus relocating the axis by which Khoja Ismaili identity was measured and defined.

As a result of reclaiming this authority, the Aga Khan ensured all decisions and decision-makers of the *jamat* were made subservient to him or his handpicked designates. Any action, secular or religious, was now part of his province. In managing

and Its Branches, Especially That of the Imamee-Ismailies: A Speech Delivered By E. I. Howard, Esquire, Barrister-at-Law in the Bombay High Court in June, 1866.

[126] Daftary, *The Isma'ilis: Their History and Doctrines*; Farhad Daftary and Zulfikar A. Hirji, *The Ismailis: An Illustrated History* (London: Azimuth Editions, 2008).

realpatidar.com

https://archive.org/details/bk1249/page/n89/mode/1up

these affairs, he could also ensure that he now directed the religious identity of the Khojas and could orchestrate their end rather than trying to recalibrate the range of religious ceremonies which until now were a result of local customary practices whose every detail and comport was being associated, piecemeal with a religious identity.[127]

realpatidar.com

The third group whose identity was formalized some decades later were the Khoja Ithna Asharis. They emerged from the body that initially gave their loyalty to the Aga Khan in the decades encircling the beginning of the 20th century. They too seceded over similar issues which also instigated the Khoja Sunnis to create a distinct community. In particular, they cited the increased interference of the Aga Khan in their caste affairs. They accused the Khoja Ismailis of no longer holding steadfast to the principles and practices of Islam or its Satpanth past, but referred to the Khojas loyal to the Nizari Ismaili leader as "Aga Khani," a derogatory term implying a cult of personality.[128] What they saw was a break from the past rather than a continuity with it. Nile Green referred to the Ismailism of the Khojas after the arrival of Aga Khan I as "neo-Ismailism" indicating what emerged was something different than what preceded it and part of the "family firm" of the Aga Khans, a religious product of 19th century Bombay.[129]

Complicit in all of this was the British Colonial Court system and, in particular, the arbitrariness of the Judge, himself a product of his society's making, in conferring upon the Khojas this identity. Locating the Khoja experience and attaching it to the

[127] See for example, the ways in which marriage is embroiled. A Well-Wisher, "Dissensions Amongst the Khojas," *Times of India* (Bombay, November 1, 1877).
[128] Engineer, *The Muslim Communities of Gujarat: An Exploratory Study of Bohras, Khojas and Memons*, 243.
[129] Green, *Bombay Islam*, 162.

realpatidar.com

https://archive.org/details/bk1249/page/n90/mode/1up

tradition of the Aga Khan's own history was a calculated decision which yielded for the Nizari Imam the proof texts and authorities he needed to convince the court that despite certain Khojas' own understandings and interpretations of their past, his had a legitimacy that was not present in their own tradition. While the Khojas' own reliance on local acts, practices and histories placed them within the locus of their own experiences, these narratives were seen as less potent and convincing in ascribing them an identity palatable to the court. While custom had reigned victorious in earlier cases, the anchor of history stretched back much further for the Aga Khan, and was documented in orientalist accounts, giving him the upper hand over those who contested his authority. Despite the decisiveness and lack of ambiguity in the decision of Justice Arnould, the Khoja Case was not the be-all or end-all of Khoja identity. The repercussions of the case were still felt in the ensuing decades as the various groups who claimed Khoja tradition continued to wrestle with the cases' implications. In the following section, I will be focussing on three elements that continued to perforate the fragile membrane that was meant to enclose, and therefore resolve, the issue of Khoja identity and membership. They include the increased prominence and social status of Aga Khan I, the continued internecine conflicts within the Khoja collective and the use of social ostracization, excommunication and dissent as tools of defiance and power.

realpatidar.com

The Construction of Khoja Identity in the Aftermath of the Khoja Case

Increased Prominence and Social Status of Aga Khan I

The Aga Khan's prominence and status was further validated in 1870 when Prince Alfred (d. 1900), the Duke of Edinburgh and second child of Queen Victoria and Prince Albert, visited India as part of a tour of his mother's British dominions and met

realpatidar.com

https://archive.org/details/bk1249/page/n91/mode/1up

with the Aga Khan.[130] In 1875, during a state visit to India, the Aga Khan was also called upon by the Prince of Wales who later acceded to the throne as King Edward VII (d. 1910).[131] These visits by British royalty were seen as an acknowledgement of the Aga Khan's stately status and religious standing. Through these regal appointments, the Aga Khan was presented as a self-styled prince without a territory. The more his religious and royal status was acknowledged by the political figures of his day, the greater his eminence increased amongst his Khoja followers. These interactions did not stop at the British Raj. Local chieftains also met with the Aga Khan including His Highness the Jam of Nawanagar[132] as did members of the Nimatullahi Sufi religious hierarchy and Persian high society.[133]

realpatidar.com

As the Aga Khan engaged in the royal pursuits of the upper echelons of British Indian society, his image amongst them was also raised. In particular, the Aga Khan's interest in horse breeding and racing meant he was always on the turf and interacting with the elites around him.[134] The cost to provide maintenance for his retinue, descendants of those who accompanied him from Persia,[135] and the tastes he'd

[130] Ibid., 159.
[131] Frere, "The Khojas: The Disciples of the Old Man of the Mountain," 431–434; Green, *Bombay Islam*, 159. The future king during his 8 month visit of the Subcontinent and its British dominions there was critical of the ways in which the British looked down upon its indigenous populations. He has been quoted as saying in a personal letter, "Because a man has a black face and a different religion from our own, there is no reason why he should be treated as a brute." Edward to Lord Granville, 30 November 1875, quoted in Bentley-Cranch, 101-102 and Ridley, 179.
[132] "H. H. The Jam of Nowanuggur," *Times of India* (Bombay, January 15, 1877).
[133] Green, "A Persian Sufi in British India: The Travels of Mirza Safi Hasan Safi Ali Shah (1251/1835-1316/1899)."
[134] By 1852, the first Aga Khan was already a regular on the turf. His prominence and frequency increased as did his stables in subsequent years. Newspaper announcements of his horses attest to that. "Sporting: The Bombay Races Third Day," *The Bombay Times and Journal of Commerce* (Bombay, February 14, 1852).
[135] The list of his family members, relatives and charges are systematically listed in Zayn al-'Abidin Muhammad Taqi bin Ali Reza Kirmani, *Athār-I Muhammadī*, 1893.

realpatidar.com

https://archive.org/details/bk1249/page/n92/mode/1up

developed for comfort and opulence also meant he lived a lavish lifestyle.[136] While Aga Khan I spent most of his life between Persia and British India, Aga Khan II briefly made Iraq his home.[137] In contrast, Aga Khan III was born in British India and in many ways was a child of empire. He spoke English alongside the languages of his ancestors as well as a refined Urdu. He engaged in the politics of his day and championed the causes of Muslims, Hindus, Indians in South Africa, the British and his own community.[138] He could directly communicate with colonial officials, which neither his father or grandfather was able to do, unmediated. He continued his family's equestrian pursuits and amassed a significant stable further adding to the esteem by which he was regarded.[139]

realpatidar.com

The social capital amassed by Aga Khan I and his successor-Imams allowed him to simultaneously navigate both the worlds of his followers and those of the British elite. If there were questions about his religious credentials, they were put to bed. Rather, his status was endorsed and validated by the company he kept and by those who sought his audience. His own followers recognized this. On the other hand, the British saw the crowds that gathered around him, and what seemed liked an endless

[136] During the visit of the Prince of Wales in 1875, some extent of this decadence can be inferred from the description of the Aga Khan's home and furnishings. "The Prince's Visit Yesterday," *Times of India* (Bombay, November 19, 1875).
[137] "Death of H. H. Aga Ali Shah," *The Times of India* (Bombay, August 19, 1885).
[138] Naoroji M. Dumasia, *A Brief History of the Aga Khan With An Account of His Predecessors The Ismalian Princes or Benefatimite Caliphs of Egypt* (Bombay: Times of India Press, 1903); Sultan Mohamed Shah Aga Khan III, *India in Transition: A Study in Political Evolution* (London: Philip Lee Werner, 1918); Naoroji M. Dumasia, *The Aga Khan and His Ancestors* (Bombay: Times of India Press, 1939); Harry J. Greenwall, *His Highness the Aga Khan: Imam of the Ismailis* (London: The Cresset Press, 1952); Sultan Mohamed Shah Aga Khan III, *World Enough and Time: The Memoirs of Aga Khan* (London: Cassel & Co., 1954).
[139] Greenwall, *His Highness the Aga Khan: Imam of the Ismailis*; Dumasia, *The Aga Khan and His Ancestors*; Dumasia, *A Brief History of the Aga Khan With An Account of His Predecessors The Ismalian Princes or Benefatimite Caliphs of Egypt*.

realpatidar.com

https://archive.org/details/bk1249/page/n93/mode/1up

parade of followers who regarded him as near-divine. This confirmed their own assessments of his mystique and standing of the Aga Khan.[140]

realpatidar.com

Internecine Conflict: Development of a Khoja Reform Movement in Karachi

Despite the resolution of the 1866 suit, the Khojas continued to be embroiled in series of internecine conflicts, not only in Bombay but also in other centres of Khoja presence. In Karachi, after recently being excommunicated from the caste by the Aga Khan "for following the Asnashari faith", one Lallun Allano found himself in grave danger. [141] Upon returning from the Bara Imambara[142] on March 2, 1876, he passed by the shop of Goolmalee Hajee when he was attacked by the shop owner and three other Khoja merchants[143] who were aided by hatchets, knives and bludgeons.[144] The ensuing

[140] In a letter written to Lord Ellenborough (d. 1871), the Governor-General of India, in November 1843, British India's Army Commander-in-Chief Charles Napier (d. 1853) portrayed the Aga Khan in this way: "He is a God – his income immense. He lets none of his sect kiss his hand under twenty rupees and he is the greatest rascal possible; that is a clever, brave man but being a God makes a virtue out of any sin he likes to commit. I speak truly when saying that his followers do not and dare not refuse him any favour he asks, wives, daughters, slaves, money, houses, furniture, all are his and he doesn't let the privilege go rusty. However, I put an end peremptorily to his rights whenever any of his people choose to resist him which is awkward for the divinity of the 'Old Man of the Mountain.'" Quoted in Bose, *The Aga Khans*, 41. For other instances of the ways in which the British articulated the Aga Khan's hold over his followers see Ibid., 21, 59, 62, 67. In later instances, the vitriol around the Aga Khan's character flaws seems to have diminished somewhat but his God-like reverence and status was still noted by observers.

[141] Russell, *Haji Bibi vs H.H. Sir Sultan Mahomed Shah*, 9.

[142] An *imambara* is a space of worship used predominantly by Shi'a Ithna Ashari communities to commemorate the death anniversaries of their Imams as well as members of their Prophet's family. The *imambara* becomes the central focus of the rituals around Muharram and is often called by different names in different parts of the world including *ma'tam* in Bahrain and Oman and *husaniyya* in Iran. See Rizwan Mawani, "Imambargah," *Encyclopedia of Muslim American History* (Facts on File, 2010)., In the context of the Khojas, it was a site specifically used by those groups who lived in Karachi or had origins in Sindh. In Bombay, the *jamatkhana* or the residence of the Ismaili Imam was the site of Muharram commemorations. In the case of the Khojas of Sind, the *imambara* seems to have been part of the landscape of piety which they drew upon. However, after the 1866 court case, it was the *jamatkhana* which was most associated with the Ismailis and a space, unlike the Imambaras, which could be managed by the Aga Khan. In time, the Imambaras were disfavoured by the Khojas loyal to the Aga Khan, marginalizing the space and Khojas who used them. For examples of the Imambara's prominence in Sind, see "H. H. Agha Sultan Mahomed Shah and Others versus Nur Mahomed Lalan, Khoja."

[143] "The Kurrachee Khoja Case," *Times of India* (Bombay, July 29, 1876).

[144] "Notes from Sind," *Times of India* (Bombay, July 31, 1876).

realpatidar.com

https://archive.org/details/bk1249/page/n94/mode/1up

trial for attempted murder occupied 31 days of the court's time. In the end, Hajee was

realpatidar.com

sentenced to seven years transportation and Busrio Fadoo, one of the other attackers who occupied a senior position in Karachi's Khoja community, was meted five years' rigorous imprisonment. The remaining accused served smaller but significant sentences lasting two years.[145] The court case adjudicated by one Major Grant may have been Karachi's longest and most involved trial to that point in its history. As part of its proceedings, 28 witnesses were called for the defense and 21 for the prosecution.[146]

The excommunication seems to have been instigated because Allano and his colleagues refused to pay their customary tribute to the Aga Khan. As a result, the Aga Khan sent his son, Prince Ali Shah (d. 1885), who later became the second Aga Khan, to Karachi to address the issue. The supporters of Allana, who became known as the Reformers, wanted to "return to what Mahomedans call orthodoxy and failed to recognize Aga Khan I or his son as God's vice-regent on earth."[147] Orthodoxy in this case did not mean Sunni Islam but rather the Islam most closely associated with the Shi'a Ithna Ashari community. Amongst other differences, Ithna 'Ashari Shi'ism and Ismaili Shi'ism recognized different lineages of Imams. In the former, the present Imam, al-Mahdi entered a state of occultation or *ghayba* and had remained in this state since his disappearance the 9th century. He was present amidst the world but not directly accessible to his adherents.

[145] "The Khoja Murder at Kurrachee." Reproduced from the *Civil and Military Gazette* dated February 28, 1879.
[146] "The Kurrachee Khoja Case."
[147] "Notes from Sind."

realpatidar.com

https://archive.org/details/bk1249/page/n95/mode/1up

The fracas between Karachi's various parties continued with further convictions and fines. This time the argument was over a *tabut* or sacred relic associated with the annual commemorations of Muharram.[148] The Muharram seems to have been part of the practices of the Khojas, at least since the arrival of Aga Khan I to the Subcontinent. Both parties seemed to have observed the various events associated with the occasion but at times of tension, ownership and use of the relics were a source of conflict. During Muharam 1878 in Bombay, the quadrangle of the Khoja *jamatkhana* was the site of commemorations in which thousands of Khojas, Mughals and Europeans attended the spectacle.[149] These commemorations continued annually in Bombay under the patronage of the Aga Khan and his successor-Imams. During Aga Khan II's short tenure (r. 1881-1885), the commemorations were observed at his residence, and after his death, at Hasanabad, the burial site of Aga Khan I in Bombay.[150] In addition to the spectacle of the passion play, which dramatized the final days of the martyrdom of the Prophet's grandson, Imam Husayn (d. 680), Khojas also observed non-public commemorations in their respective spaces of worship during this period.[151]

realpatidar.com

[148] "A Fracas Between Two Factions of Khojas at Kurrachee," *Times of India* (Bombay, February 6, 1877).
[149] "No Title," *Times of India* (Bombay, January 16, 1878). In this context, the Mughals refers not to the political rulers of India but rather to the name given to the Persians who had made Bombay their home. Many of them were descendants and family members of the Aga Khan and arrived with him from Persia in the mid-19th century.
[150] "The Mohurrum in Bombay," *Times of India* (Bombay, January 6, 1879); "The Mohurrum," *Times of India* (Bombay, November 1, 1884); "The Mohurrum," *Times of India* (Bombay, September 29, 1887); "The Mohurrum," *Times of India* (Bombay, September 18, 1888); "The Muhurrum," *Times of India* (Bombay, September 7, 1889); "The Mohurrum," *Times of India* (Bombay, August 14, 1891); "The Burial-Ground Question," *Times of India* (Bombay, November 26, 1892).
[151] Howard, *The Shia School of Islam and Its Branches, Especially That of the Imamee-Ismailies: A Speech Delivered By E. I. Howard, Esquire, Barrister-at-Law in the Bombay High Court in June, 1866*; Russell, *Haji Bibi vs H.H. Sir Sultan Mahomed Shah*. This continued in some localities as late as 1925. See "Mohurrum in Bombay: Tenth Night Celebrations," *The Times of India* (Bombay, August 1, 1925).

realpatidar.com

https://archive.org/details/bk1249/page/n96/mode/1up

Unlike many parts of the world, Muharram commemorations in 19th century Bombay were observed by a large complement of the city's religious communities, likely seen as entertainment as much as religious observance. Imambaras in Bombay excluded Sunni Muslims during the re-enactment of the passion plays to prevent sectarian clashes or enflame communal sentiments. This was no different in 1878 where Sunni Muslims were excluded despite non-Muslims and Parsis who participated as observers to the events. That year a significant number of Europeans also chose to observe the somber festivities.

realpatidar.com

Sunni Muslims generally observed Muharram also without Shi'a interference, taking *tabuts*, paper-and-bamboo models of the tombs of Imams Hassan and Husayn and processed them around a specific route before submerging them next to Bohri Bandar, modelling their commemoration on the procession of Hindu deities. The procession also involved Sidi boys, Muslim migrants from the East African coast who had made India their home, as well as Gulf Arabs. That year, the Police Commission who was always on heightened alert because of the potential of intra-communal conflict allowed for the building of 165 *tabut*s and 688 *panja*s or standards representing the *hand* of the Prophet's daughter, Bibi Fatima.[152]

On February 27, 1879, another attempt on the life of Lallun Allano took place in Karachi, this time resulting in his murder. Allano was shot through the right lung just above his breast while waiting at a carriage stand. He died shortly afterwards in

[152] "The Mohurrum," *Times of India* (Bombay, January 15, 1878).

realpatidar.com

https://archive.org/details/bk1249/page/n97/mode/1up

hospital. The assassin, one Mooljee Cutchra was caught and sentenced.[153] Aga Khan I and the party of Lallun Allano were arraigned before the Magistrate's Court in Karachi on December 24th of that year which also coincided with the month of Muharram. The Sindh branch loyal to Allano's vision of Khoja Shi'ism was also present on that occasion to support their Karachi co-religionists. Both parties were released with a warning but the papers anticipated further disturbances given the heightened mood during the sacred month, but none materialized.[154] The Aga Khan used the tool of social ostracization once again to whittle away at the fringes of his community who increasingly had other designs, by excommunicating two individuals for "following the Asnashari faith."[155]

realpatidar.com

Despite the tensions and ensuing murders in the community, the agitation only increased. Khojas loyal to the Aga Khan built a *jamatkhana*, a space of worship particular to Khoja Ismailis, right next to the *imambara* in Karachi's Old Town which had been in use by the Khojas for the past sixty years. The Reformers that continued to use the *imambara* complained that those loyal to the Aga Khan had no right to use the land and complained to the District Court about the building of a Khoja "temple" with their windows and doors opening onto the Imambara courtyard.[156]

Even after Aga Khan I's death, the disturbances between the Khojas of Karachi continued, although the violence dissipated into billingsgate. At sunset on December 1st,

[153] "The Khoja Murder at Kurrachee."
[154] "Religious Factions at Kurrachee," *Times of India* (Bombay, December 25, 1879).
[155] Russell, *Haji Bibi vs H.H. Sir Sultan Mahomed Shah*, 9.
[156] "Kurrachee Khojas," *Times of India* (Bombay, July 28, 1880).

realpatidar.com

https://archive.org/details/bk1249/page/n98/mode/1up

1881 a further disturbance took place at Karachi's *imambara* grounds. Those loyal to Aga Khan II, now referred to as Panjebhais (Guj. those who give each other a hand of brotherhood), placed wooden benches in the open courtyard to serve as seats for some of the policemen who were on duty there. Insults were exchanged with the Khoja Pirais, the name used by the other faction, which traces its origins, not from the group's allegiance to the Pirs that preceded the Aga Khan, but according to one contemporary account, from the Sindhi term used for the pole or flagstaff used to hoist the Muharram standard.[157] The next day, both parties lodged complaints against the other at the Court of the City Magistrate for abuse and assault.[158]

realpatidar.com

On the occasion of the Eid al-Adha, the festival at the end of Ramadan which coincided with August 1882, Aga Khan II attended the *jamatkhana* and addressed an assembly of 1,200 Khojas urging them to find good will towards each other and to forget and forgive past transgressions. This reconciliation may also have resulted in the building of a new *jamatkhana* some blocks away from the Khoja Imambara to quell any remaining tensions.[159] On August 17, 1885, Aga Khan II died unexpectedly in Poona and was succeeded by his minor son, Sultan Mahomed Shah (d. 1957) who was only 7 years of age.[160] Aga Khan II's body was kept in the Karachi *jamatkhana* for three days without any incident before the S. S. Mobile left for Iraq, the final resting place of his body.[161]

[157] "H. H. Agha Sultan Mahomed Shah and Others versus Nur Mahomed Lalan, Khoja," 400.
[158] "The Khojas of Kurrachee," *Times of India* (Bombay, December 7, 1881).
[159] Tajddin S Ali, *Kharadar Jamat*.
[160] Ibid.
[161] "The Late Aga Ali Shah," *The Times of India* (Bombay, November 9, 1885).

realpatidar.com

https://archive.org/details/bk1249/page/n99/mode/1up

The Khoja Commission and Intestate Succession

realpatidar.com

Simultaneous with the revival of identity politics within the Khoja collective, disputes around succession also flared up in Bombay and Zanzibar.[162] While payment of tributes and violent altercations in public were the jurisdiction of men, legal battles around estate inheritance and intestate custom often involved women.[163] In 1877, a case between the widow of Rahimbhoy Alloobhoy (d. 1870) and Alloobhoy's mother and sister, was taken to the court of appeals after Alloobhoy died intestate. In this case, Rahimatbhoy's wife and sister wrestled over the deceased's goods.[164] Since 1847, the Aga Khan had challenged Khoja custom, which bypassed women's right to inheritance, and instead championed the Qur'anic provision allowing them to a share of their father's and husband's estates.[165] In this case, both parties were women but given the Khoja custom of disinheriting daughters despite contrary practices set forth in the Qur'an, a Khoja Commission was set up in hopes of resolving the issue once and for all.[166]

Social Ostracization and Excommunication

In this charged environment, every action made the overture of abiding by or resisting the Aga Khan, and by extension, the Khoja Ismaili *jamat*'s authority. The Aga

[162] For Bombay, the most thorough study in relationship to gender and inheritance remains Hickling, "Disinheriting Daughters: Applying Hindu Laws of Inheritance to the Khoja Muslim Community in Western India." For Zanzibar, cases are plentiful but scattered in the various law reports. See for example, Murison and Abrahams, *Zanzibar Protectorate Law Reports Containing Cases Determined in the British Consular Court and in the Supreme Court of His Highness the Sultan and in the Courts Subordinate Thereof. 1868 to 1918*.

[163] Hickling, "Disinheriting Daughters: Applying Hindu Laws of Inheritance to the Khoja Muslim Community in Western India."

[164] "The Custom of Khojas," *Times of India* (Bombay, September 19, 1877).

[165] Hickling, "Disinheriting Daughters: Applying Hindu Laws of Inheritance to the Khoja Muslim Community in Western India."

[166] "The Proposed Khoja Commission."

realpatidar.com

https://archive.org/details/bk1249/page/n100/mode/1up

Khan demonstrated the force of his supremacy by using tools of social ostracization, namely excommunication and out casting, a right previously exercised by the *jamat*. In the new configuration of authority, however, the *jamat* which was appointed and designated by the Aga Khan became implementers of his orders and servants to his authority.[167]

realpatidar.com

In the past, the tool of social ostracization was a powerful one, a disincentive to fall out of line or engage in a behavior or action that was counter to the caste's customs. Its consequences meant not only blocked access to communal spaces but also the inability to conduct business and even socialize with other Khojas until one was readmitted. This occurred upon atoning for one's misgivings by paying a cumbersome fee and receiving the permission and forgiveness of the *jamat*. However, in the current climate, it was an opportunity to demonstrate one's deference to those opposed to the Aga Khan as well as to showcase the power and role of defiance and dissent in the creation of new institutions and identities.[168]

This seems to have been the case during the week of October 30, 1877 when a number of "rich and respectable" Khojas were getting married. Along with their families, they were unanimously outcaste by the Jamat for simplifying their wedding customs, an

[167] Well-Wisher, "Dissensions Amongst the Khojas." Also see *Rules of the Shia Imami Ismailia Councils of the Continent of Africa*.

[168] In the decades leading up to and after the Khoja Case, being outcaste wasn't as dire a social practice. Afterwards, it has permanent consequences. One had to choose which of the other Khoja groups and which ties to maintain. It was for this reason that groups were often delineated by social and economic class. Belonging to the group commensurate with your own station in life fared better for business relationships and marriage ties. Where it became contentious was that excommunication also meant that you were refused access to the Khoja burial ground, which in the minds of many was necessary for one's salvation in the afterlife.

realpatidar.com

https://archive.org/details/bk1249/page/n101/mode/1up

act interpreted as aligning with Shi'a Ithna Ashari practices. Even those planning to attend as guests were deterred from doing so because of the threat of excommunication. Khojas loyal to the Aga Khan were advised not to "talk, eat, drink, walk, drive, or have anything to do with the now disgraced parties." An announcement in one of the local Indian newspapers, *Akhbari Soudaghur,* reframed the out casting as an act of conscious will to leave the community, giving agency to the dissenters and deliberately acting on behalf of their own destiny, having "joined the new standard and relinquished the orthodox [Aga Khan] party."[169]

realpatidar.com

It may have been the challenges to his authority and the increasing fissures between the Khojas in the cities of Bombay and Karachi, that impelled the Aga Khan to travel outside the Bombay Presidency to Kathiawar to ensure there were no further repercussions elsewhere.[170] However, things worsened in both Bombay and Karachi during his absence. In mid-January 1878, sixty influential Khojas, whose loyalties lay with the Aga Khan, seceded from his party. The newspapers worried that there might be outbreaks since the events coincided with the Muharram commemorations that year and because of the tense political environment in Turkey, but all ended quietly.[171]

As Khoja opposition grew and attracted more prominent figures to the community that would eventually become Khoja Ithna Asharis, those in favor of managing their own affairs without the Aga Khan were able to gain some clout in the

[169] Well-Wisher, "Dissensions Amongst the Khojas."
[170] "Arrivals and Departures by Sea: SS Akola," *Times of India* (Bombay, December 18, 1877).
[171] It is not completely unclear as to the situation in Turkey that is being referred to, but it is possible that the reference is to the Russo-Turkish war that was taking place in the Balkans. "The Mohurrum."

realpatidar.com

https://archive.org/details/bk1249/page/n102/mode/1up

city. So much so, that Khojas loyal to the Aga Khan petitioned Sir Richard Temple (d. 1902), Baronet and Governor of Bombay, not to release the findings of the Khoja commission which had been adjudicating on Khoja succession for the past thirty years. Apart from the most recent case, which involved the estate of Rahimbhoy Alloobhoy, the Khojas had decided its own affairs without interference. The Khoja majority suggested that the decisions of the law court infringed upon the authority of the Aga Khan to decide upon intestate cases.[172] This was followed by a counter-petition to Sir M. R. Westropp (d. 1890), Chief Justice of the Khoja Commission, arguing that reforms to traditional inheritance laws were needed so they were aligned with the "modern age."[173]

realpatidar.com

Conclusion

The Khojas, a reasonably obscure caste in the early part of the 19th century, were catapulted into the limelight a few short decades later. This move was partially the result of several internecine conflicts around secession within the caste and the increasing involvement of Aga Khan I, a Persian *sayyid* who claimed spiritual authority over the community, in their affairs. After a circuitous flight to India from his home in Persia via Afghanistan, Sindh, and Calcutta, the Aga Khan eventually settled in Bombay with the hopes of being closer to his Indian followers. However, his arrival further stoked and energized his opponents who felt he had over-extended his authority upon the Khoja collective, resulting in violent clashes in mid-century Bombay. The dispute

[172] "No Title," *Times of India* (Bombay, January 1878).
[173] "The Proposed Khoja Commission."

realpatidar.com

https://archive.org/details/bk1249/page/n103/mode/1up

culminated in the Khoja Equity Suit which was tried in the Bombay High Court in April and June, 1866.

realpatidar.com

At the time, the case was the most intricate and prolonged case the British Indian court system had ever seen. At stake was the definition of Khoja identity and formal leadership of the community. Without determining the categories by which to situate the Khojas, ownership of communal property could not be determined. And so, what began as an equity suit ended up a theological conundrum in which the courts were asked to weigh in on the identity of a particular community and the relationship, if any, to a man who claimed spiritual authority over them. The man in question was the Aga Khan, whose own identity and relationship to the Khojas was also being questioned.

In limbo, decisions around properties and funds were at an *impasse.* The Aga Khan's detractors wished for the Ismaili spiritual leader to disclaim the property and administration of the Khojas. They also wished for the decisions around their daily lives to once again return to their own management without intervention, a privilege that was vested in a body known as the *jamat*, which consisted of the senior-most and influential Khoja members of Bombay's business and civil society. Part of the *jamat*'s administrative role, amongst other things, involved the adjudication of Khoja communal properties and funds, which had been acquired as trusts through a system of religious taxation. Given the increased wealth of the community in recent decades, to some extent propelled by the oceanic steam trade and the proliferation of demand for Indian cotton and other goods, the control of resources became a more contentious and lucrative concern. At risk were the checks and balances put in place by an esteemed

realpatidar.com

https://archive.org/details/bk1249/page/n104/mode/1up

group of Khojas personally invested in their decisions and governed by an intelligence inherited by custom. For this tried-and-tested system was now being contested by a sole decision maker whose authority was extrinsic to the collective.

realpatidar.com

More than simply a dispute over religious matters, the case involved a determination in how future tributes would be spent and whether the management of those funds would follow the familiar traditions of the Khojas or the more remote practice of the Shi'a Ismailis of which the Aga Khan claimed to be Imam. To determine the rightful ownership of these resources, it was first necessary to determine the religious identity of the caste. As a result, testimonies of Khojas took a significant portion of the time allocated for the case. However, the testimonies were so scattered and inconsistent, according to the judge, they complicated rather than clarified Khoja beliefs, conviction and faith. Ultimately, Judge Arnould ruled in favor of the Aga Khan on all counts.[174] What contributed to this judgement and proved to be weightier and more appealing to the chief justice than the erratic responses by Khoja witnesses were the written histories presented in court by lawyers, stitched together by orientalist historians. The historians' account of the past was not always neat, but it was more cohesive, flattening the narrative of time past into something that spoke to the rational intelligence of the judge and the court. It also situated the Aga Khan within a lineage of illustrious ancestors. Khoja testimony on the other hand was spiky, not yet tidied by the historian whose job it was to create as straight a line as he could between two events or

[174] "Supreme Court Equity Side: Judgement of the Court in the Khoja Case"; Howard, *The Shia School of Islam and Its Branches, Especially That of the Imamee-Ismailies: A Speech Delivered By E. I. Howard, Esquire, Barrister-at-Law in the Bombay High Court in June, 1866*.

realpatidar.com

https://archive.org/details/bk1249/page/n105/mode/1up

past moments so they could be made sense of in the present. The native could not entirely be trusted; his testimony not always reliable. The testimony of the knowledgeable outsider, however, and particularly one of European ancestry carried promise. The Aga Khan sat somewhere between "the Asiatic" and the European. His bloodline, Persian ancestry and social class allowed him to escape one category but not yet reach the other. While religious practice and belief were used to determine, and assess Khoja identity, ultimately it was the force of written history and more broadly the written word which prevailed in enrobing the Khojas in different garments. Furthermore, it was the history of the Ismailis, rather than that of the Khojas, that better fit into the model of religion as conceived by the colonial state. The Khojas were easily understood as a caste but when it came to determining their religious convictions, the narrative put forth by the Aga Khan's lawyers more forcefully anchored Khoja tradition to a remote past and inserted it into a religious system that was palatable under the categories of the British imperial worldview.

realpatidar.com

The Khoja Case of 1866 was a watershed in contemporary Ismaili history. In addition to assigning the Khojas loyal to the Aga Khan, a Shi'a identity, it formally defined the Aga Khan's role as their rightful leader in line with that of his ancestors. His regal bloodline now validated and his role in the community was now set, further increasing the status of the once Persian exile and now British Indian resident in the eyes of royalty and officialdom. This provided a means by which the British could address and relate to the Aga Khan in more definitive terms. He was a prince and a leader of men and in their eyes equivalent to nothing short of a Muslim pope. By the

realpatidar.com

https://archive.org/details/bk1249/page/n106/mode/1up

time of his grandson, Aga Khan III, the Shi'a Imam was not only considered the leader of the Ismailis, but also the *de facto* representative of all Muslims, a position thrust upon him by the British, who also valued his loyalty to the British crown. At a time when the Ottoman and British Empires were waning in power and receding in territory, Aga Khan III was regarded with the esteem afforded to a head of state. However, this assignment was not something that was self-assigned, rather it was a process which began with a decision made in a court of law as part of a larger equity case involving his grandfather.[175]

realpatidar.com

In addition to the court assigning a religious identity and leadership to the Khojas, the Khoja Equity Case also provided a new history for the caste and changed the way future histories would be constructed. Until 1866, geography and culture mediated the ways in which Khojas thought of themselves and their identity. With the arrival of Aga Khan I, their geographic and temporal horizons were stretched beyond the Indian Subcontinent and past the celestial firmaments they were familiar with to include the lands in which the forty-six generations of Ismaili Imams lived and ruled. The mythic landscape and temporal world preserved in the *ginan*s, the performed oral texts of the

[175] Several authors in recent years have explored the ways in which the authority of the Imam has developed and found expression outside the context of the state given his lack of territory. In particular, see Soumen Mukherjee, "Universalizing Aspirations: Community Social Services in the Isma'ili Imagination in Twentieth Century South Asia and East Africa," in *The Shi'a in Modern South Asia: Religion, History and Politics*, ed. Justin Jones and Ali Usman Qasmi (Cambridge: Cambridge University Press, 2015), 105–130; Soumen Mukherjee, *Ismailism and Islam in Modern South Asia: Community and Identity in the Age of Religious Internationals* (Cambridge: University of Cambridge Press, 2017); Daryoush Mohammad Poor, *Authority Without Territory: The Aga Khan Development Network and the Ismaili Imamate* (New York: Palgrave Macmillan, 2014).

realpatidar.com

https://archive.org/details/bk1249/page/n107/mode/1up

community, were given form, escaping the realm of imagination, and extending outwards beyond the bounds of Khoja collective memory.

realpatidar.com

This new history inserted the experiences of the Khojas into a global narrative of which they were but one of many dispersed groups whose local religious chieftains were emissaries of a distant Ismaili Imam.[176] The religion they knew as Satpanth, *the true path*, they were informed, was in fact a refraction of Ismaili Shi'ism in the cultural mirror of the Indian Subcontinent. Their religion was not simply Satpanth, but an amalgamation of ideas which drew upon a Vaishnavite Hindu worldview and superimposed upon a teleology and framework of Ismaili Shi'ism; in effect a creative synthesis used to convert once Hindus to Islam. This reading of Satpanth by the court also implied that these religious convictions were no longer a valid articulation of Islam, but rather a corrupted or unfinished project of conversion. The Pir to whom the Khojas attributed their founding and conversion, and also their salvation, Sadr al-Din, was no longer an independent agent, but a figure ensconced within the hierarchy of Nizari Ismaili organization. [177] The salvation that Satpanth promised now had to be read through the lens of other categories. As a result, the experience of Satpanth and the

[176] The Pirs of the Indian Subcontinent were classified in the same categories as *da'i*s or emissaries that were that were sent to the various *jazira*s or "islands," geographical localities by which the Fatimid Ismailis of the 10th and 11th centuries divided their world and later the lands to which the Nizari Ismailis attempted to extend their mission. Howard, *The Shia School of Islam and Its Branches, Especially That of the Imamee-Ismailies: A Speech Delivered By E. I. Howard, Esquire, Barrister-at-Law in the Bombay High Court in June, 1866*, 78, 82. While the term *da'i* is absent in literature produced from the Subcontinent, and the Pirs were sent in another phase of Ismaili history from the castle at Alamut, the Pirs were now inserted into the Arabo-Persian categories of state, to some extent, altering the distinctive roles they had in the milieu of the Indian Subcontinent. See for example the equation made between Pir and Chief Da'i by those who read Subcontinental Ismailism through the lens of Arabo-Persian hegemony. Daftary, *The Isma'ilis: Their History and Doctrines*, 468.

[177] Howard, *The Shia School of Islam and Its Branches, Especially That of the Imamee-Ismailies: A Speech Delivered By E. I. Howard, Esquire, Barrister-at-Law in the Bombay High Court in June, 1866*.

realpatidar.com

https://archive.org/details/bk1249/page/n108/mode/1up

relationship each Khoja had to the Aga Khan was also changed. Rather than

realpatidar.com

safeguarding tradition, the Aga Khan's mandate was also one of change and adaptation; his role to provide contours to Satpanth which more accurately reflected the inward faith of the Khojas within the frame of Ismaili Shi'ism. This new reading of Khoja history and identity in time also became internalized and formed an essential part of the Khoja's own consciousness displacing their previous concepts and worldview.

Perhaps the most contentious and embattled node of the conflict, pivoted around who made decisions about the collective wealth of the community and how its future payments would be managed. Some of the more prominent and wealthier Khojas felt the Aga Khan was anti-modern in his policies and stunted the growth of the Khoja collective who had rose to social and financial prominence in a very short time under British colonial rule.[178] While altercations and dissensions took place before the 1866 Case, they also continued in the suit's wake and well into the early decades of the 20th century, spreading to other centres such as Muscat, Karachi and Zanzibar where Khojas had established communities and settled.[179] The perseverance of conflict beyond the death of the Aga Khan suggests how visceral and personal tradition and identity were to the Khojas. The communities who wished to secure and preserve as much of the past as they could ended up losing elements of it as well. The Khoja Sunnis and Khoja Ithna

[178] See for example, "A Khoja Seminary," *Times of India* (Bombay, January 26, 1861).

[179] Some of these are catalogued in Russell, *Haji Bibi vs H.H. Sir Sultan Mahomed Shah*. In later decades, further appeals were made to Aga Khan III by one Karim Goolamali who reinvigorated the Khoja Reformer Society of old. Not trying to create another splinter community nor dethrone the Aga Khan, Goolamali appealed to Aga Khan III to change his leadership demands and hold upon the community. These requests appeared in a series of pamphlets and open letters including Goolamali, *An Appeal (Containing "A Voice from India," "Northcote Memorial," etc. to Mr Ali Solomon Khan Son of H. H. The Agha Khan*; Goolamali, *A. M. D. G. Quo Vadis, Pakistan*.

realpatidar.com

https://archive.org/details/bk1249/page/n109/mode/1up

Asharis maintained a fence around their own caste and cultural identities while balancing that distinction with the global religious communities that they now saw themselves as part of. The Khoja Ismailis shed many their customary religious practices and were reprimanded or punished if they continued them, especially when they were also shared practices which had been claimed by the Khoja Sunnis or Ithna Ashari communities.[180]

realpatidar.com

Where does this leave tradition and its role in community? In the case of the Khojas, the Khoja Equity Suit of 1866 reinvented tradition as history. It took the local past and decentred it in favor of a more singular global narrative. Despite this, each Khoja community, as it emerged, built or rebuilt its institutions, reclaiming that tradition for itself. It championed its heroes, mythical and contemporary, and provided them with an agency to carve their own futures. It invested in them, the hopes of a changed destiny, one which honoured a Khoja past while at the same time spoke to a Sunni, Ithna Ashari or Ismaili horizon. Their traditions, however, were often realized in the mirror of difference. When one Khoja looked at another belonging to the now divided Khoja collective, they interpreted what they saw as either commensurate with their own experiences or rejected it in favor of other low-hanging fruit from the past which when grasped, provided the necessary nourishment to understand one's collective selfhood and identity.

[180] Many of these were listed in the various Rules and Regulations documents or "constitutions" produced by the community under the aegis of the Aga Khan for each local Jamat. Within them were listed practices to be discontinued or curtailed to further distinguish them from other Khoja groups and to prevent further cross-pollination and re-entry of some of these rituals into Khoja Ismaili ritual life. See for example, *Rules of the Shia Imami Ismailia Councils of the Continent of Africa*.

realpatidar.com

https://archive.org/details/bk1249/page/n110/mode/1up

It was customary and religious practices, which in the end, both defined and determined Khoja identity. It was succession, marriage, and the ways in which one prayed that decided where on the spectrum of Khoja identification one lied. Dissent and excommunication became powerful forces in this battle as communities formed and unformed, morphed and shapeshifted into coteries and collectives. In the end by adapting customary life-cycle rituals such as marriage to conform to one's reading of tradition, and thereby an identity in line with Sunni, Shi'a Ismaili or Shi'a Ithna Ashari Islam, i.e. rituals of the public sphere, one's identity and destiny were determined. By the dawn of the 20th century, what emerged were three communities with a common heritage but different traditions and markedly distinct futures. Each community drew into a once common pool of collective memory but extracted from its waters both things remembered and unremembered. Those remembered fragments ultimately influenced the destiny of each community and contributed to the ways in which tradition was read as well as the ways in which that tradition became the paintbrush by which future brushstrokes were made.

realpatidar.com

Future Research

There are several areas of future research that have emerged from this study that could contribute to the agenda of other researchers; I have explored three individual avenues. The first is a deep investigation into the 1908 Haji Bibi Case, the next major judicial encounter between the incumbent to the Ismaili Imamat at the time, Aga Khan III, and the Khoja community of Bombay. A further important and neglected arena of enquiry would be the development and evolution of Khoja religious space in the 19th century. As has been intimated in this study in the case on Karachi, space acted as a

realpatidar.com

https://archive.org/details/bk1249/page/n111/mode/1up

marker of identity for the various leanings within the Khoja collective and became the vehicle by which identity was managed and tradition was negotiated. Space unified as well as divided the Khojas. By studies into how space manifested in other locales and vicinities, we might get a better insight into the ways Khojas understood their identities and the ways spaces such as the *jamatkhana,* the shrine, *imambara* and *masjid* contributed to and shaped Khoja selfhood. And finally, much more research is needed into the colonial newspaper archive. The rich body of primary source material allows for an extended study into the social and, to a lesser extent, the religious lives, of the 19th and 20th century Khoja caste and its transformation and development into three distinct communities.

realpatidar.com

Haji Bibi Case

To date, there has not been the same attention paid to the Haji Bibi Case of 1908 as there has been to the Aga Khan Case despite the same volume of colonial output around the case.[181] While its consequences may not have been as tumultuous, it is an essential primary source for understanding the inner workings of the Khoja community and the Aga Khans after the 1866 case. Read together, the two cases provide an opportunity to assess religious change and continuity over the forty-year period and allow one to more clearly see the ways in which the practices of Shi'a Islam, which appear more forcefully in the latter case, engage with the rituals associated with Sunni Islam that presented themselves in the 1866 trial. The transcripts and case notes that remain extant include two commissions in which Khojas in Bhavnagar and Kera provide

[181] Russell, *Haji Bibi vs H.H. Sir Sultan Mahomed Shah*.

realpatidar.com

https://archive.org/details/bk1249/page/n112/mode/1up

a direct and granular sense of the ways in which Khojas understood their complex identities and practices. Furthermore, the case provides a better sense of the relationships between the family of the third Aga Khan and the Aga Khan himself, accenting the ways in which the Ithna Ashari Shi'ism subscribed to by the Aga Khan's family members interacted with his role as leader of the Nizari Ismaili community.

realpatidar.com

The transcripts and court notes published in the contemporary newspapers of the period are also invaluable for understanding Khoja social and religious history and the development of the community and Imamat's institutions at the cusp of the century.[182] When read alongside the Khoja Case, continuities and discontinuities between the three Aga Khans, incumbents to the position of Nizari Ismaili Imamat over the forty years that separated the cases, become even more apparent. Additionally, unlike the Khoja Case where all those involved were men, the two strongest figures in the Haji Bibi Case were women – Haji Bibi (d. after 1920), the first cousin of Aga Khan III and daughter of his uncle Jungi Shah, and the Aga Khan's mother and regent in his minority, Lady Ali Shah, Shams ul-Muluk (d. 1938), who both professed Ithna Ashari Shi'ism as their conviction.

[182] Ninety-five articles related to the case were published in the *Times of India* between February 4, 1908 and September 4, 1908. In 1906, Haji Bibi had previously sued Aga Khan III and thirteen members of his family over what she felt was an unfair disbursement of funds from the family estate. She lost the case and appealed but took a slightly different approach in 1908. See "Claim on Two Crores: Rule Against the Aga Khan," *Times of India* (Bombay, February 20, 1906); "The Aga Khan Estates: The Judgment," *Times of India* (Bombay, February 23, 1906); "Two Crores in Dispute: Suit Against the Aga Khan," *Times of India* (Bombay, July 24, 1906). The 1908 case broke several Bombay High Court records. It lasted seventy-five days and called on umpteen witnesses from places of Khoja settlement as far as Rangoon and Zanzibar. In addition to Khojas, witnesses also comprised of other groups loyal to the Aga Khan including Guptis, Khalus and Badakhshani Ismailis. "The Aga Khan Case: Bombay High Court Record Beaten," *Times of India* (Bombay, August 10, 1908).

realpatidar.com

https://archive.org/details/bk1249/page/n113/mode/1up

The Development of Khoja Religious Space

realpatidar.com

Much of the research on aspects of 19th century Khoja life assumes that Khojas are a relatively homogenous group. However, close readings of primary texts when delineated by city or generation, make it apparent that the Khojas are anything but homogenous. This can be most clearly seen in the print record by focusing our attention on the question of space. While the *jamatkhana* did not easily fit into the typologies of the Hindu *mandir*, the Shi'a *imambara*, the Sunni *masjid* or the South Asian Sufi *dargah*, it contained and celebrated aspects of each of these; not only because they arose from a similar milieu, but also because of the various influences upon Khoja identity and practice in the 18th and 19th centuries. The complexity and co-existence of space amongst the Khojas of different localities and backgrounds requires a great deal of further study.[183]

While the *imambara* seems to have played a significant role in the lives of Khoja communities prior to the end of the 19th century in Karachi and Sindh, it is markedly absent in the lives of Bombay's Khoja Muslims.[184] In Kutch and Kathiawar, and as well as for a time in Bombay, it was the *dargah* of a local *sayyid* or Pir which was the site of the annual fair, notably absent from many of the social histories of the Khojas.[185] While its

[183] I was able to conduct some initial fieldwork and archival research on space amongst the Ismailis of the Subcontinent and East Africa based on fieldwork to the region in 2013. See the unpublished typescript, Rizwan Mawani, "The Jamatkhana of the Indian Subcontinent: Development and Ritual Practice" (Unpublished typescript, 2014).

[184] For examples of its prominence, see "Kurrachee Khojas"; "The Khojas of Kurrachee."

[185] See for example, "Native Fairs," *Times of India* (Bombay, February 7, 1884); "Mahomedan Fair," *Times of India* (Bombay, March 20, 1885); "Mahomedan Fair," *Times of India* (Bombay, February 3, 1887); "The Khoja Dargah Fair," *Times of India* (Bombay, February 17, 1905). In some years, there seems to have been an attempt to relocate the fair to the grounds of Hasanabad, the location of the shrine of Aga Khan I. Further research will be needed to find out if this was something done because of the increasing numbers participating in the fair or an attempt to increase the status of Aga Khan I vis-à-vis those of other *sayyid*s and Pirs revered by the Khojas. See, "A Mahomedan Fair," *Times of India* (Bombay, March 13, 1889).

realpatidar.com

https://archive.org/details/bk1249/page/n114/mode/1up

festivities may not be as intricately linked into the lives of Khojas today, It continues to

realpatidar.com

be a site of localized and increasingly national annual piety.[186] Through and within spaces such as these which are dotted throughout the towns and villages where Khojas live, the various elements of authority and allegiance that glued the Khojas together and connected them with their rich pasts played themselves out in a diverse set of ritual contexts. By 1923, the *jamatkhana* had been established as the *de facto* space amongst Khoja communities due to the conscious program of Aga Khan III. In addition to *jamatkhana*s sprouting up in the port-cities of the Indian Ocean where Khoja communities had settled, the *jamatkhana* was also being exported to Ismailis of other cultural backgrounds, linguistic practices and histories outside the Subcontinent.[187] This attempt at standardizing the practices of Ismailis was a further attempt to bring them under one uniform structure, but it was not welcomed everywhere.[188] Furthermore, attempts at standardization began to erase the various spatial trajectories of piety that preceded it. Since the Khojas were only familiar with their own genealogies of practice, they began to also assert their own modes of piety, local to their environments and which took place in the *jamatkhana*, upon those Ismailis who had no symbolic and linguistic relationship to those practices or spaces in places as diverse as Syria, Afghanistan and Northern Pakistan. In fact, the introduction of the *jamatkhana* threatened to erode their own local forms of religious capital. In time, many groups

[186] Fieldwork of the author, September 2013 in Gujarat. See Mawani, "The Jamatkhana of the Indian Subcontinent: Development and Ritual Practice."
[187] Rizwan Mawani, "Migration, Allegiances and Shifting Practices: Rearticulating Nizari Ismailism in Post-1840 Persia" (Unpublished typescript, 2008), 14–15.
[188] See for example, Otambek Mastibekov, *Leadership and Authority in Central Asia: The Ismaii Community in Tajikistan* (New York: Routledge, 2014).

realpatidar.com

https://archive.org/details/bk1249/page/n115/mode/1up

seem to have acquiesced, resulting in the assertion of Khoja practices slowly displacing their own rituals.[189]

realpatidar.com

Further Research in the English Language Newspaper Archive

Finally, there are many newspapers which have not been photographed or digitized and therefore are not available digitally through ProQuest or on microfilm via the Chicago Center for Research Libraries. These sources will need to be consulted at libraries in India that do maintain original copies of these papers. The entire newspaper archive, in Bombay, and throughout the Indian Ocean littoral where Ismailis lived, provide a wealth of information for Khoja social history, but until now these repositories of the social and religious past have remained relatively unexplored. Collectively, they make a significant contribution to piecing together an important era of Khoja development which has been overshadowed and eclipsed to other periods of Ismaili history.

[189] Mawani, "The Jamatkhana of the Indian Subcontinent: Development and Ritual Practice."

realpatidar.com

https://archive.org/details/bk1249/page/n116/mode/1up

Bibliography

realpatidar.com

Aga Khan III, Sultan Mohamed Shah. *India in Transition: A Study in Political Evolution*. London: Philip Lee Werner, 1918.

———. *World Enough and Time: The Memoirs of Aga Khan*. London: Cassel & Co., 1954.

Ahmad, Imtiaz, and Helmut. Reifeld, eds. *Lived Islam in South Asia : Adaptation, Accommodation, and Conflict*. Social Science Press, 2004.

Akhtar, Iqbal S. *The Khōjā of Tanzania: Discontinuities of a Postcolonial Religious Identity*. Leiden: Brill, 2016.

Al-Husayni, Muhammad Hasan [Aga Khan I]. *'Ibrat-Afzā*. Bombay: n.p., 1862.

Al-Khaburi Lawati, Jawad. *Al-Adwār Al-'Umānīyah Fī Al-Qārah Al-Hindīyah : Dawr Banū Sāmah Ibn Lu'ī Al-Lawātīyah*. Beirut: Dār al-Nubalā, 2001.

Algar, Hamid. "The Revolt of Aga Khan Mahallati and the Transference of the Ismaili Imamat to India." *Studia Islamica* 29 (1969): 55–82.

Ali, S. Mujtaba. *The Origins of the Khojas and Their Religious Life Today*. Bonn: Universitat Bonn, 1936.

Allen Jr., Calvin H. "The Indian Merchant Community of Masqat." *Bulletin of the School of Oriental and African Studies* 44, no. 1 (1981): 39–53.

Arnould, Joseph. *Judgment by The Hon'ble Sir Joseph Arnould in the Kojah Case Otherwise Known as The Aga Khan Case Heard in the High Court of Bombay During April and June 1866*. Bombay: Bombay Gazette Steam Press, 1866.

Asad, T. *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam*. Baltimore, MD, MD: Johns Hopkins University Press, 1993.

Asad, Talal. *Formations of the Secular: Christianity, Islam, Modernity*. Palo Alto: Stanford University Press, 2003.

———. "Thinking About Tradition, Religion and Politics in Egypt Today." *Critical Enquiry* 42, no. 1 (2015): 166–214. Accessed February 26, 2017. http://criticalinquiry.uchicago.edu/thinking_about_tradition_religion_and_politics_in_egypt_today/.

Asad, Talal. *Genealogies of Religion : Discipline and Reasons of Power in Christianity and Islam*. Baltimore, MD: Johns Hopkins University Press, 1993.

———. *Genealogies of Religion : Discipline and Reasons of Power in Christianity and Islam*. Baltimore, MD: Johns Hopkins University Press, 1993.

———. "The Idea of An Anthropology of Islam." In *The Social Philosophy of Ernest*

realpatidar.com

https://archive.org/details/bk1249/page/n117/mode/1up

Gellner, edited by John A. Hall and Ian Jarvie, 381–406. Atlanta: Rodopi, 1996.

Asani, Ali S. *Ecstasy and Enlightenment: The Ismaili Devotional Literatures of South Asia*. London: I. B. Tauris in Association with The Institute of Ismaili Studies, 2002.

———. "From Satpanthi to Ismaili Muslim: The Articulation of Ismaili Khoja Identity in South Asia." In *A Modern History of the Ismailis*. London: I. B. Tauris in Association with The Institute of Ismaili Studies, 2011.

Bamyeh, Mohammed A. *The Social Origins of Islam : Mind, Economy, Discourse*. Minnesota: University of Minnesota Press, 1999.

Bhalloo, Z. *Khoja Shia Ithna-Asheris in Lamu and Mombasa, 1870-1930*, 2008. Accessed September 11, 2016. http://www.sikh-heritage.co.uk/heritage/sikhhert EAfrica/nostalgic EA/other towns/khoja lamu mombasa 1.pdf.

Boivin, Michel. "Ginans and the Management of the Religious Heritage of the Ismaili Khojas in Sindh." In *Ginans, Texts and Contexts: Essays on Ismaili Hymns from South Asia in Honour of Zawahir Moir*, edited by Tazim R. Kassam and Francoise Mallison, 25–53. Primus Books, 2010.

———. "New Problems Related to the History and Tradition of the Agakhani Khojas in Karachi and Sindh." *Journal of the Pakistan Historical Society* 46, no. 4 (1998): 5–33.

———. "The Isma'ili–Isna 'Ashari Divide Among the Khojas: Exploring Forgotten Judicial Data from Karachi." *Journal of the Royal Asiatic Society (Third Series)* 24, no. 3 (2014): 381–396.

———. "The Saint as Ancestor in Some Sufi and Ismaili Communities in the Sindhi Area." In *Family Portraits with Saints: Hagiography, Sanctity and Family in the Muslim World*, 327–342. Berlin: Klaus Schwarz, 2014.

Bose, Mihir. *The Aga Khans*. Kingswood: World's Work, 1984.

Bourdieu, Pierre. *Outline of a Theory of Practice*. Cambridge: Cambridge University Press, 1977.

———. *Pascalian Meditations*. Palo Alto: Stanford University Press, 2000.

Campbell, James C. *Gazetteer of the Bombay Presidency, Volume V: Cutch, Palanpur and Mahi Kantha*. Bombay, 1880.

Daftary, Farhad. *The Isma'ilis: Their History and Doctrines*. Cambridge: Cambridge University Press, 1990.

Daftary, Farhad, and Zulfikar A. Hirji. *The Ismailis: An Illustrated History*. London: Azimuth Editions, 2008.

Devine, Philip. "The Concept of Tradition: A Problem Out of MacIntyre." *Reason Papers* 35, no. 1 (2013): 107–123. https://reasonpapers.com/pdf/351/rp_351_9.pdf.

realpatidar.com

https://archive.org/details/bk1249/page/n118/mode/1up

Dobbin, Christine E. *Urban Leadership in Western India: Politics and Communities in Bombay City*. Oxford: Oxford University Press, 1972.

realpatidar.com

Dossa, Parin Aziz. "Ritual and Daily Life: Transmission and Interpretation of the Ismaili Tradition in Vancouver." University of British Columbia, 1985.

Dumasia, Naoroji M. *A Brief History of the Aga Khan With An Account of His Predecessors The Ismalian Princes or Benefatimite Caliphs of Egypt*. Bombay: Times of India Press, 1903.

———. *The Aga Khan and His Ancestors*. Bombay: Times of India Press, 1939.

Engineer, Asgharali. *Bohras and Their Struggle for Reforms*. Bombay: Institute of Islamic Studies, 1986. Accessed February 16, 2017. http://drasgharaliengineer.csss-isla.com/wp-content/uploads/2017/02/BOHRAS-AND-THEIR-STRUGGLE-FOR-REFORMS.pdf.

———. *The Muslim Communities of Gujarat: An Exploratory Study of Bohras, Khojas and Memons*. Bombay: South Asia Books, 1989.

Esmail, Aziz. *A Scent of Sandalwood: Indo-Ismaili Religious Lyrics*. London: I. B. Tauris in Association with The Institute of Ismaili Studies, 2014.

Ewing, Katherine Pratt. *Arguing Sainthood : Modernity, Psychoanalysis, and Islam*. Duke University Press, 1997.

Frere, Bartle. "The Khojas: The Disciples of the Old Man of the Mountain." *Macmillan's Magazine* 34 (1876): 342–350, 430–438.

Gillani, Karim. "The Ismaili "Ginan Tradition from the Indian Subcontinent." *Middle East Studies Association Bulletin* 38, no. 2 (2004): 175–185.

Goolamali, Karim. *A. M. D. G. Quo Vadis, Pakistan*. Karachi: Karachi Job Press, 1954.

———. *An Appeal (Containing "A Voice from India," "Northcote Memorial," etc. to Mr Ali Solomon Khan Son of H. H. The Agha Khan*. Karachi, n.d.

Goswami, Chhaya. *Globalization Before Its Time: The Gujarati Merchants from Kachchh*. Gurgaon, India: Penguin, 2016.

Green, Nile. "A Persian Sufi in British India: The Travels of Mirza Safi Hasan Safi Ali Shah (1251/1835-1316/1899)." *Iran: Journal of Persian Studies* 42 (2004): 201–218.

———. *Bombay Islam: The Religious Economy of the West Indian Ocean, 1840-1915*. Cambridge: Cambridge University Press, 2011.

Greenwall, Harry J. *His Highness the Aga Khan: Imam of the Ismailis*. London: The Cresset Press, 1952.

Gwadari, Shihabuddin A. *Gawhar-E Gwadar*. Karachi, 1994.

realpatidar.com

https://archive.org/details/bk1249/page/n119/mode/1up

Hasan, Mushirul. *Wit and Wisdom: Pickings from the Parsee Punch*. New Delhi: Niyogi Books, 2012.

realpatidar.com

Hickling, Carissa. "Disinheriting Daughters: Applying Hindu Laws of Inheritance to the Khoja Muslim Community in Western India." University of Manitoba, 1998.

Hirji, Zulfikar A. "The Socio-Legal Formation of the Nizari Ismailis of East Africa, 1800-1950." In *A Modern History of the Ismailis: Continuity and Change in a Muslim Community*, 129–60. London: I. B. Tauris in Association with The Institute of Ismaili Studies, 2011.

Hirschmann, Edwin. *Robert Knight : Reforming Editor in Victorian India*. Oxford University Press, 2008.

Hollister, John Norman. *The Shi'a of India*. London: Luzac & Co., 1953.

Howard, E. I. *The Shia School of Islam and Its Branches, Especially That of the Imamee-Ismailies: A Speech Delivered By E. I. Howard, Esquire, Barrister-at-Law in the Bombay High Court in June, 1866*. Bombay: Oriental Press, 1866.

Ishvani. *The Brocaded Sari*. New York: John Day, 1946.

Ivanow, W. "The Sect of Imam Shah in Gujarat." *Journal of the Bombay Branch of the Royal Asiatic Society New Series* 12 (1936): 19–70.

Ivanow, W., ed. *Pandiyat-I Jawanmardi*. Leiden: Ismailia Association, 1953.

Jaffer, Hassan Ali M. *The Endangered Species: An Account of the Journey of Faith by The Khoja Shi'a Itha-Asheri Community*. Thornhill: Mulla Asghar Memorial Library and Islamic Resource Centre, 2012.

Johnson, William. "Khojas." In *The Oriental Races and Tribes: Residents and Visitors of Bombay. A Series of Photographs with Letter-Press Inscriptions by William Johnson (Bombay Civil Service (Uncov.) Vol 1. Gujarat, Kutch and Kathiawar.*, 97–99. London: W. J. Johnson, 1863.

Kassam, Tazim R. *Songs of Wisdom and Circles of Dance: Hymns of the Satpanth Isma'ili Muslim Saint, Pir Shams*. Albany: SUNY Press, 1995.

Kassam, Tazim R., and Francoise Mallison, eds. *Ginans: Texts and Contexts: Essays on Ismaili Hymns from South Asia in Honour of Zawahir Moir*. New Delhi: Matrix, 2007.

Khaki, Khoja. *Gupt Panth Kā Shajara*. Bombay, n.d.

Khan, Dominique-sila. "Rewriting the Ginans: Revolution and Resistance among the Imamshahis." In *Ginans, Texts and Contexts: Essays on Ismaili Hymns from South Asia in Honour of Zawahir Moir*, edited by Tazim R. Kassam and Francoise Mallison, 103–116. New Delhi: Primus Books, 2010.

Khan, Dominique-Sila. *Conversions and Shifting Identities: Ramdev Pir and the Ismailis in Rajasthan*. Jaipur: Manohar, 1997.

realpatidar.com

https://archive.org/details/bk1249/page/n120/mode/1up

———. “Liminality and Legality: A Contemporary Debate Among the Imamshahis of Gujarat.” In *Lived Islam in South Asia: Adaptation, Accommodation and Conflict*, edited by Imtiaz Ahmed and Helmut Reifeld, 209–232. New Delhi: Social Science Press, 2004.

———. “The Lord Will Marry the Virgin Earth: Songs of the Time to Come.” *Journal of Indian Philosophy* 28 (2000): 99–115.

Khan, Dominique-Sila, and Zawahir Moir. “Coexistence and Communalism: The Shrine of Pirana in Gujarat.” *South Asia: Journal of South Asian Studies* XXII (1999): 133–154.

Kirk, John. “(Inclosure.) – Dr. Kirk to Mr. Wedderburn.” In *British and Foreign State Papers. Great Britain and Zanzibar*, 1123–1124. Volume 1., 1873.

Lalvani, Kartar. *The Making of India : The Untold Story of British Enterprise*. London: Bloomsbury Continuum, 2016.

Lilley, H. J. *Jaffer Fuddoo Defamation Case Containing Counsel Addresses to Courts and the Connected History of the Assassins*. Karachi: The Sind Observer and Mercantile Steam Press, 1925.

MacIntyre, A. *After Virtue: A Study in Moral Theory*. 3rd Editio. Notre Dame, IN: University of Notre Dame, 2013.

———. *Whose Justice? Which Rationality?* Notre Dame, IN, IN: University of Notre Dame, 1988.

MacMurdo, Captain James. “X. An Account of the Province of Cutch, and the Countries Lying Between Guzerat and the River Indus: With Cursory Remarks on the Inhabitants, Their History, Manners, and State of Society.” *Transactions of the Literary Society of Bombay* II (1820): 205–241.

Mahmood, Saba. “Interview with Talal Asad: Modern Power and the Reconfiguration of Religious Traditions.” *SEHR* 5, no. 1 (n.d.). Accessed March 15, 2017. http://web.stanford.edu/group/SHR/5-1/text/asad.html.

———. *Politics of Piety: The Islamic Revival and the Feminist Subject*. Princeton, NJ: Princeton University Press, 2011.

Mallison, Francoise. “Saints and Sacred Places in Saurashtra and Kutch: The Cases of the Naklanki Cult and the Jakhs.” In *Pilgrims, Patrons and Place: Localizing Sanctity in Asian Religions*, 332–349. Vancouver: University of British Columbia, 2003.

Mallison, Francoise, and Zawahir Moir. “‘Recontrer l’Absolu, O Ami’: Un Hymne Commun Aux Hindous Tantriques et Aux Musulmans Ismaeliens Du Saurashtra.” *Purusartha* 19 (1996): 265–276.

Masselos, James C. “The Khojas of Bombay: The Defining of Formal Membership Criteria During the Nineteenth Century.” In *Caste and Social Stratification Among Muslims in India*, edited by Imtiaz Ahmad, 97–116. Bombay: South Asia Books, 1978.

realpatidar.com

https://archive.org/details/bk1249/page/n121/mode/1up

Mastibekov, Otambek. *Leadership and Authority in Central Asia: The Ismaii Community in Tajikistan*. New York: Routledge, 2014.

realpatidar.com

Mawani, Rizwan. “Imambargah.” *Encyclopedia of Muslim American History*. Facts on File, 2010.

———. “Migration, Allegiances and Shifting Practices: Rearticulating Nizari Ismailism in Post-1840 Persia.” Unpublished typescript, 2008.

———. “The Jamatkhana of the Indian Subcontinent: Development and Ritual Practice.” Unpublished typescript, 2014.

Mayaram, Shail. *Resisting Regimes: Myth, Memory and the Shaping of a Muslim Identity*. Oxford: Oxford University Press, 1997.

Messick, Brinkley. *The Calligraphic State : Textual Domination and History in a Muslim Society*. Los Angeles: University of California Press, 1993.

Mohammad Poor, Daryoush. *Authority Without Territory: The Aga Khan Development Network and the Ismaili Imamate*. New York: Palgrave Macmillan, 2014.

Moir, Zawahir. “Historical and Religious Debates Among Indian Ismailis 1840-1920.” In *The Banyan Tree*, 1999.

———. “Historical and Religious Debates Amongst Indian Ismailis 1840-1920.” In *The Banyan Tree: Essays on Early Literature in Indo-Aryan Languages. Proceedings of the Seventh International Conference on Early Literature in New Indo-Aryan Languages*, edited by Mariola Offredi, 131–153. New Delhi: Manohar, 2000.

Moir, Zawahir, and Dominique-Sila Khan. “New Light on the Satpanthi Imamshahis of Pirana.” *South Asia: Journal of South Asian Studies* XXXIII, no. 2 (2010): 210–234.

Moir, Zawahir, and Christopher Shackle. *Ismaili Hymns from South Asia: An Introduction to the Ginans*. London: Psychology Press, 2000.

Momin, Wafi Ahmed. “The Origins and Development of the Momin Ismaili Community in Gujarat.” SOAS, 2006.

Mukherjee, Soumen. *Ismailism and Islam in Modern South Asia: Community and Identity in the Age of Religious Internationals*. Cambridge: University of Cambridge Press, 2017.

———. “Universalizing Aspirations: Community Social Services in the Isma’ili Imagination in Twentieth Century South Asia and East Africa.” In *The Shi’a in Modern South Asia: Religion, History and Politics*, edited by Justin Jones and Ali Usman Qasmi, 105–130. Cambridge: Cambridge University Press, 2015.

Murison, Sir William. “In the High Court of Judicature, Bombay. Appeal No. 54 of 1904. On Appeal from H. B. M Court for Zanzibar. Civil Case No. 336 of 1903. Before Mr. Justice Russell and Mr. Justice Chandavarkar.” Vol. 1, 1919.

realpatidar.com

https://archive.org/details/bk1249/page/n122/mode/1up

Murison, Sir William, and S. S. Abrahams. *Zanzibar Protectorate Law Reports Containing Cases Determined in the British Consular Court and in the Supreme Court of His Highness the Sultan and in the Courts Subordinate Thereof. 1868 to 1918*. Volume 1. London: Waterlow and Sons, 1919.

realpatidar.com

Nanji, Azim. *The Nizari Ismaili Tradition in the Indo-Pakistan Subcontinent*. Delmar, NY: Caravan Books, 1978.

Parhi, Asima Ranjan. *Indian English through Newspapers*. New Delhi: Concept Pub. Co, 2008.

Perry, Erskine. *Cases Illustrative of Oriental Life and the Application of English Law to India, Decided in H. M. Supreme Court at Bombay*. London: S. Sweet, 1853.

———. "Mahomedan Succession. Kojah's and Memon's Case." In *Cases Illustrative of Oriental Life and the Application of English Law to India, Decided in H. M. Supreme Court at Bombay*, 110–129. London: S. Sweet, 1853.

Picklay, A. S. *History of the Ismailis*. Bombay: Popular Printing Press, 1940.

Purohit, T. "Reading Global Islam Through Messianic Renewal In Dasavatar." *Sikh Formations* 3, no. 2 (2007): 151–167.

Purohit, Teena. *The Aga Khan Case: Religion and Identity in Colonial India*. Cambridge, MA: Harvard University Press, 2012.

Rahim, Hamshad. "The Aga Khan and the Khojas of India." University of Chicago, 1958.

Russell, J. *Haji Bibi vs H.H. Sir Sultan Mahomed Shah* 1–63 (1908).

Salvadori, Cynthia. *We Came in Dhows*. 3 volumes. Nairobi: Paperchase, 1996.

Schielke, Sumuli. *Second Thoughts about the Anthropology of Islam, or How to Make Sense of Grand Schemes in Everyday Life*. *Working Papers*, 2010. Accessed March 13, 2017. https://www.zmo.de/publikationen/WorkingPapers/schielke_2010.pdf.

Sharar, A. Halim. *Lucknow: The Last Phase of an Oriental Culture*. Edited by E. S. Harcourt and F. Hussain. London: Oxford University Press, 1975.

Sheikh, Samira. "Religious Traditions and Early Ismaili History in South Asia: Some Historical Perspectives on Satpanthi Literature and the Ginans." In *Ginans, Texts and Contexts: Essays on Ismaili Hymns from South Asia in Honour of Zawahir Moir*, 149–168. Delhi: Manohar, 2007.

———. "The Millennial Monarch and His Middle Managers: Aurangzeb and Shi`a Minorities in Gujarat." New Haven, CT, CT: Unpublished Conference, 2014.

———. "What Makes a Real Muslim? The Matiya Uprising and Religious Categories in Late Mughal Gujarat." Unpublished Conference Paper: Ecole Francaise d'Extreme Orient. December 3, 2008.

realpatidar.com

https://archive.org/details/bk1249/page/n123/mode/1up

Shodhan, Amrita. “The Entanglement of the Ginans in Khoja Governance.” In *Ginans, Texts and Contexts: Essays on Ismaili Hymns from South Asia in Honour of Zawahir Moir*, edited by Francoise Mallison and Tazim R. Kassam, 169–180. Revised Ed. Delhi: Primus Books, 2010.

realpatidar.com

Stetkevych, Jaroslav. *Muḥammad and the Golden Bough : Reconstructing Arabian Myth*. Bloomington: Indiana University Press, 1996.

Tajddin S Ali, Mumtaz Ali. *101 Ismaili Heroes*. Karachi, 2007.

———. *Kharadar Jamat*. Karachi, 2006.

———. *Lassi Jamat: Brief History*. Karachi, 2006.

———. *Malir Jamat: Brief History*. Karachi, 2006.

———. *Ranchhore Lines Jamat: Brief History*. Karachi, 2006.

Taqi bin Ali Reza Kirmani, Zayn al-’Abidin Muhammad. *Athār-I Muhammadī*, 1893.

Virani. *The Ismailis in the Middle Ages: A History of Survival, A Search for Salvation*. Oxford: Oxford University Press, 2007.

Virani, Shafique N. “Taqiyya and Identity in a South Asian Community.” *Journal of Asian Studies* 70, no. 1 (2011): 99–139.

Visram, Fazulbhoy. *A Khoja’s Tour in Australia*. Bombay: Times of India Steam Press, 1885.

Well-Wisher, A. “Dissensions Amongst the Khojas.” *Times of India*. Bombay, November 1, 1877.

Wilson, Peter Lamborn. “Ismailis and Nimatullahis.” *Studia Islamica* 41 (1975): 113–136.

“[Testimony of Allurakia Soomar].” *The Times of India*. Bombay, June 15, 1866.

“A Fracas Between Two Factions of Khojas at Kurrachee.” *Times of India*. Bombay, February 6, 1877.

“A Khoja Seminary.” *Times of India*. Bombay, January 26, 1861.

“A Mahomedan Fair.” *Times of India*. Bombay, March 13, 1889.

A Voice from India. Being An Appeal to the British Legislature By Khojahs of Bombay Against The Usurped and Oppressive Domination of Hussain Hussanee Commonly Called and Known as “Aga Khan” Now Resident in London. London: Waterlow and Sons, 1864.

“Arrivals and Departures by Sea: SS Akola.” *Times of India*. Bombay, December 18, 1877.

“Bombay. Musulman Fanaticism.” *Allen’s Indian Mail and Register of Intelligence for British and Foreign India, China and All Parts of the East* IX, no. Jan-Dec (1851): 14.

realpatidar.com

https://archive.org/details/bk1249/page/n124/mode/1up

"Claim on Two Crores: Rule Against the Aga Khan." *Times of India*. Bombay, February 20, 1906.

realpatidar.com

"Death of H. H. Aga Ali Shah." *The Times of India*. Bombay, August 19, 1885.

"H. H. Agha Sultan Mahomed Shah and Others versus Nur Mahomed Lalan, Khoja." In *Selected Decisions of the Sind Sadar Court Relating to the Local Laws and Customs of the Province of Sind. Volume 1, 1896-1897*, 391–430. Sind Gazette and Commercial Press, 1910.

"H. H. The Jam of Nowanuggur." *Times of India*. Bombay, January 15, 1877.

"Heterodox Mahomedans." *Asiatic Journal and Monthly Register for British India and Its Dependencies* XII, no. 69 July to December (1821): 257.

"Judgment of the Hon'ble Sir E. Perry, Kt. Delivered 11th October 1847." *The Bombay Times and Journal of Commerce*. Bombay, October 13, 1847.

"Judgment in the Great Khojah Case." *The Times of India*. Bombay, November 26, 1866.

"Kurrachee Khojas." *Times of India*. Bombay, July 28, 1880.

"Law Intelligence: High Court. Equity Side (Before the Hon. Sir Joseph Arnould). The Khojah Case." *The Times of India*. Bombay, June 11, 1866.

"Law Intelligence: High Court. Equity Side (Before the Hon. Sir Joseph Arnould). The Khojah Case." *The Times of India*. Bombay, June 14, 1866.

"Law Intelligence: High Court. Original Jurisdiction (Before Sir Joseph Arnould). The Kojah Case." *The Times of India*. Bombay, April 24, 1866.

"Law Intelligence: High Court. Original Jurisdiction (Before Sir Joseph Arnould). The Kojah Case." *The Times of India*. Bombay, April 25, 1866.

"Mahomedan Fair." *Times of India*. Bombay, March 20, 1885.

"Mahomedan Fair." *Times of India*. Bombay, February 3, 1887.

"Mohurrum in Bombay: Tenth Night Celebrations." *The Times of India*. Bombay, August 1, 1925.

"Native Fairs." *Times of India*. Bombay, February 7, 1884.

"No Title." *Times of India*. Bombay, January 1878.

"No Title." *Times of India*. Bombay, January 16, 1878.

"Notes from Sind." *Times of India*. Bombay, July 31, 1876.

"Religious Factions at Kurrachee." *Times of India*. Bombay, December 25, 1879.

Rules of the Shia Imami Ismailia Councils of the Continent of Africa. Revised Ed. Zanzibar: Varas Mohamedbhai Remtula Hemani President of The Shia Imami Ismailia

realpatidar.com

https://archive.org/details/bk1249/page/n125/mode/1up

Supreme Council of Zanzibar, 1925.

"Saturday April 21, 1866." *The Times of India*. Bombay, April 21, 1866.

"Sporting: The Bombay Races Third Day." *The Bombay Times and Journal of Commerce*. Bombay, February 14, 1852.

"Supreme Court Equity Side: Judgement of the Court in the Khoja Case." *Bombay Times and Journal of Commerce.*, October 11, 1851.

"The Aga Khan Case: Bombay High Court Record Beaten." *Times of India*. Bombay, August 10, 1908.

"The Aga Khan Estates: The Judgment." *Times of India*. Bombay, February 23, 1906.

"The Burial-Ground Question." *Times of India*. Bombay, November 26, 1892.

"The Custom of Khojas." *Times of India*. Bombay, September 19, 1877.

"The Khoja Case." *The Times of India*. Bombay, June 10, 1866.

"The Khoja Dargah Fair." *Times of India*. Bombay, February 17, 1905.

"The Khoja Murder at Kurrachee." *Times of India*. Bombay, March 4, 1879.

"The Khojah Case." *The Times of India*. Bombay, April 21, 1866.

"The Khojas of Kurrachee." *Times of India*. Bombay, December 7, 1881.

"The Kurrachee Khoja Case." *Times of India*. Bombay, July 29, 1876.

"The Late Aga Ali Shah." *The Times of India*. Bombay, November 9, 1885.

"The Mohurrum." *Times of India*. Bombay, January 15, 1878.

"The Mohurrum." *Times of India*. Bombay, November 1, 1884.

"The Mohurrum." *Times of India*. Bombay, September 29, 1887.

"The Mohurrum." *Times of India*. Bombay, September 18, 1888.

"The Mohurrum." *Times of India*. Bombay, August 14, 1891.

"The Mohurrum in Bombay." *Times of India*. Bombay, January 6, 1879.

"The Muhurrum." *Times of India*. Bombay, September 7, 1889.

"The Prince's Visit Yesterday." *Times of India*. Bombay, November 19, 1875.

"The Proposed Khoja Commission." *The Times of India*. Bombay, October 29, 1878.

The Sunni Khojas: An Account of the The Khoja Sunnat Jamat. Bombay, 1969.

"Two Crores in Dispute: Suit Against the Aga Khan." *Times of India*. Bombay, July 24, 1906.

realpatidar.com